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# PENNSYLVANIA BULLETIN

Volume 28  
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**Agencies in this issue:**

The Courts  
Department of Banking  
Department of Community and Economic  
Development  
Department of Environmental Protection  
Department of General Services  
Department of Public Welfare  
Department of Transportation  
Fish and Boat Commission  
Game Commission  
Insurance Department  
Legislative Reference Bureau  
Pennsylvania Industrial Development Authority  
Pennsylvania Public Utility Commission  
State Board for Certification of Sewage  
Treatment Plant and Waterworks Operators  
Turnpike Commission

**Detailed list of contents appears inside.**

**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**No. 289, December 1998**

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**PENNSYLVANIA**



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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## ***Pennsylvania Bulletin***

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

## **Adoption, Amendment or Repeal of Regulations**

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

*Bulletin* before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

## **Citation to the *Pennsylvania Bulletin***

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

## ***Pennsylvania Code***

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

## **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

**SUBSCRIPTION INFORMATION: (717) 766-0211  
GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530**

### Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [ ] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

### Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where "no fiscal impact" is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 1998.

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# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[231 PA. CODE CH. 1910]

Amendment of the Rules Relating to the Support Guidelines; No. 306 Doc. No. 5

#### Order

*Per Curiam:*

And Now, this 7th day of December, 1998, the Pennsylvania Rules of Civil Procedure are amended as follows:

1. Rule 1910.16-1 is amended as follows.
2. Rules 1910.16-2, 1910.16-3, 1910.16-4 and 1910.16-5 are rescinded and replaced as follows.
3. Rule 1910.6-6 and 1910.16-7 are adopted and added as follows.

This order shall be processed in accordance with Pennsylvania Rule of Judicial Administration 103(b) and shall be effective April 1, 1998.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1910. ACTIONS FOR SUPPORT

**Rule 1910.16-1. Amount of Support. Support Guidelines.**

**(a) *Applicability of the Support Guidelines.*** The support guidelines set forth the amount of support which a spouse or parent should pay on the basis of both parties' net monthly incomes as defined in Rule 1910.16-2 and the number of persons being supported. The support of a spouse or child is a priority obligation so that a party is expected to meet this obligation by adjusting his or her other expenditures.

**[ (a) ] (b)** The amount of support (child support, spousal support or alimony pendente lite) to be awarded pursuant to the procedures under Rules 1910.11 and 1910.12 shall be determined in accordance with the support guidelines which consist of the guidelines expressed as **[ grids set forth in Rule 1910.16-2 and as a formula in Rule 1910.16-3 ]** the child support schedule and the chart of proportional expenditures set forth in Rule 1910.16-3, the formula set forth in Rule 1910.16-4 and the operation of the guidelines as set forth in **[ Rule 1910.16-5 ]** these rules.

**[ Official Note: Orders for spousal support and alimony pendente lite shall not be in effect simultaneously. ]**

**(c) Orders for spousal support and alimony pendente lite shall not be in effect simultaneously.**

**[ (b) ] (d)** If it has been determined that there is an obligation to pay support, there shall be a rebuttable presumption that the amount of the award determined from the guidelines is the correct amount of support to be awarded. **The support guidelines are a rebuttable**

**presumption and must be applied taking into consideration the special needs and obligations of the parties. The trier of fact must consider the factors set forth in Rule 1910.16-5.** The presumption shall be rebutted if the trier of fact makes a written finding, or a specific finding on the record, that an award in the amount determined from the guidelines would be unjust or inappropriate.

**[ (c) ] (e)** The guidelines shall be reviewed at least once every four years to insure that their application results in the determination of appropriate amounts of support.

#### Explanatory Comment to Rule 1910.16-1—1998

##### Introduction

Federal and state law require the use of guidelines to establish child and spousal support orders. Using the guidelines promotes (1) similar treatment of persons similarly situated, (2) a more equitable distribution of the financial responsibility for raising children, (3) settlement of support matters without court involvement, and (4) more efficient hearings where they are necessary. The Pennsylvania Rules of Civil Procedure governing actions for support set forth the basic child support schedule and formula as well as the explanatory text.

**A. Income Shares.** The child support guidelines are based on the Income Shares Model developed by the Child Support Guidelines Project of the National Center for State Courts. The model is based on the idea that the child of separated or divorced parents should receive the same proportion of parental income that she or he would have received if the parents lived together. A number of authoritative economic studies provide estimates of the average amount of household expenditures for children in intact households. These studies show that the proportion of household spending devoted to children is directly related to the level of household income and to the number and ages of the children. The basic support amounts reflected in the chart of proportional expenditures and child support schedule in Rule 1910.16-3 represent average marginal expenditures on children for food, housing, transportation, clothing and other miscellaneous items that are needed by children and provided by their parents, including the first \$250 of unreimbursed medical expenses incurred annually per child.

**B. Statutory Considerations.** The federal statute, 42 U.S.C. § 467(a), requires that the guidelines be reviewed every four years. In addition, the Pennsylvania statute, 23 Pa.C.S. § 4322, states:

"... Child and spousal support shall be awarded pursuant to a Statewide guideline as established by general rule by the Supreme Court, so that persons similarly situated shall be treated similarly. The guidelines shall be based upon the reasonable needs of the child or spouse seeking support and the ability of the obligor to provide support. In determining the reasonable needs of the child or spouse seeking support and the ability of the obligor to provide support, the guidelines shall place primary emphasis on the net incomes and earning capacities of the parties, with allowable deviations for unusual needs, extraordinary expenses and other factors, such as the parties' assets, as warrant special attention."

1. *Reasonable Needs and Reasonable Ability to Provide Support.* The guidelines make financial support of a child

a primary obligation. They assume that parties with similar net incomes will have similar reasonable and necessary expenses. After the basic needs of the parents have been met, the child's needs shall receive priority. The guidelines assume that if obligor's net income is less than \$550, he or she is barely able to provide for basic personal needs. In these cases, therefore, entry of a minimal order is appropriate after considering the party's living expenses. In some cases, it may not be appropriate to order support at all.

In most cases, however, a party's living expenses are not relevant in determining his or her support obligation. Rather, as the statute requires, the obligation is based on the reasonable needs of a dependent spouse or child and the reasonable ability of the obligor to pay. For example, in setting the amount of child support, it should be of no concern to the court that one obligor chooses to live in a one-room apartment and rely solely on public transportation, while another obligor, earning the same salary, chooses to live in a five-bedroom apartment and drive a new car. Both are obligated to give priority to the needs of their children. What they choose to do with their remaining income is not relevant to a support claim.

2. *Net Income.* The guidelines use the net incomes of the parties, and are based on the assumption that a child's reasonable needs increase as the combined net income of the child's parents increases. Each parent is required to contribute a share of the child's reasonable needs proportional to that parent's share of the combined net incomes. The custodial parent makes these contributions entirely through direct expenditures for food, shelter, clothing, transportation and other reasonable needs. In addition to any direct expenditures on the child's behalf, the non-custodial parent makes contributions through periodic support payments.

3. *Allowable Deviations.* The guidelines are designed to treat similarly situated parents, spouses, and children in the same manner. However, when there are unavoidable differences, deviations must be made from the guidelines. Failure to deviate from these guidelines by considering a party's actual expenditures where there are special needs and special circumstances constitutes a misapplication of the guidelines.

**C. Four-Year Review.** The Family Support Act of 1988 [P.L. 100-485, 102 Stat. 2343 (1988)] requires that the child support guidelines be reviewed every four years to ensure that their application results in a determination of an appropriate child support award. With the assistance of Dr. Robert Williams, the developer of the Income Shares model, the Committee reviewed the most recent economic studies on child-related expenditures in intact households and assessed state guideline adjustments for low income, additional dependents, shared custody, child care, medical expenses and other factors which are considered in establishing or modifying a support award. Based on this review, Rules of Civil Procedure 1910.16-1 through 1910.16-5 relating to the guidelines have been amended and new Rules 1910.16-6 and 1910.16-7 have been added as follows.

1. *Reorganization of the Rules.* The rules have been reorganized so that they more logically follow the sequence for calculating the overall support obligation. Since the calculation begins with the computation of the parties' net incomes, new Rule 1910.16-2 consolidates all of the income provisions that formerly appeared throughout Rule 1910.16-5. Rule 1910.16-2 is followed by Rule 1910.16-3, the basic child support schedule; Rule 1910.16-4, the formula used in conjunction with the

Schedule to arrive at obligor's basic support obligation; Rule 1910.16-5, which sets forth the factors the court must consider in determining whether to deviate from the basic support obligation; and Rule 1910.16-6, which consolidates all of the provisions for additional expenses that are typically added to the basic support obligation. Rule 1910.16-7 addresses the special treatment of child support obligations in the context of multiple families.

2. *Calculation of Basic Child Support.* The amount of basic support was previously determined from either the grids or the chart of proportional expenditures in conjunction with the income shares formula. The grids have been eliminated. The Committee has chosen to retain the chart and to use a basic child support schedule, which numerically reflects the amounts spent on children in intact families by combined income and number of children. The chart and the schedule appear in Rule 1910.6-3 and either one may be used to find the parties' combined basic child support obligation. In turn, the obligor's share of this obligation is calculated using the income shares formula in Rule 1910.16-4. In cases where the obligor's monthly net income is \$550 or less, however, the schedule must be used to determine his or her basic support obligation.

The amounts of child support set forth in the chart and the schedule have been updated to reflect recent economic estimates of child-related spending in intact households. Pursuant to federal and state law, these estimates must be adopted to ensure that children continue to receive adequate levels of support. Since the studies now consider households of up to six children, the guidelines have been expanded from four to six children. The newer studies also consider households with combined monthly net income of up to \$12,600. Allowing for inflation, the model can be extended to combined monthly net income of up to \$15,000. The Committee has chosen to do this so that the support guidelines will apply to more cases.

3. *Computed Minimum Allowance in Low-Income Cases.* The amended rules incorporate a Computed Allowance Minimum (CAM) into the support guidelines so that low-income obligors retain sufficient income to meet their basic needs and to maintain the incentive to continue working so that support can be paid. The CAM is built into the schedule in Rule 1910.16-3 and adjusts the basic support obligation to prevent obligor's net income from falling below \$550 per month. Since the schedule reflects amounts of child support only, Rule 1910.16-2(e)(B) provides for a similar adjustment in spousal support and APL cases so that the obligor retains at least \$550 per month in these cases as well.

4. *Shared Custody.* Under the prior guidelines, there was no formula or procedure for deviating from the basic support guidelines when custody is shared equally or the non-custodial parent has substantial partial custody. The guidelines provided that the obligor's support obligation should be reduced only if he or she spent "an unusual amount of time with the children." Yet, there have been several decisions rejecting deviation even if the obligor spends almost 50% of the time with the children. See, e.g., *Anzalone v. Anzalone*, 449 Pa. Super. 201, 673 A.2d 377 (1996) (40% time was not "unusual"); *Dalton v. Dalton*, 409 Pa. Super. 258, 597 A.2d 1192 (1991) (43% time did not justify deviation).

It is generally agreed, however, that there should be some reduction in the support obligation in these cases to reflect the decrease in the obligee's variable expenses and the increase in obligor's fixed and variable expenses as a result of the children spending substantially more time

with the obligor. As part of its four-year review of the guidelines, the Committee examined seven different methods being used by other states but found that none of them met these objectives without producing a substantial reduction in the support obligation at some income levels or income differentials for relatively small increases in custodial time. As a result, the Committee initially recommended the alternative solution of no reduction at all for time spent with the children. Based on the comments received, however, the Committee reconsidered this recommendation and ultimately selected a method which gives some recognition to the shift in child-related expenditures that occurs when the obligor spends a substantial amount of time with the children.

This method is set forth in Rule 1910.16-4(c) and has been built into the formula used to calculate the presumptively correct amount of the support obligation. While not a perfect solution to the problem of establishing support obligations in the context of substantial or shared custody, it is better than the previous void and preferable to the many offset methods developed by local courts which effectively reduced the support obligation out of proportion to the increase in custody time. Its chief advantage is that there is no sharp reduction in the obligation at the 40% threshold. It also provides statewide uniformity. The method does not, however, result in \$0 when there is equal custody and equal income. In those cases, therefore, the Rule provides for a cap to reduce the obligation so that the obligee does not receive a larger portion of the combined income than the obligor. Although this cap may in some cases result in a substantial reduction between 45-50% time, the Committee is not aware of an existing model that does not create some "cliff effect" at some level at some point in time. This model was chosen over others because the cases which involve truly equal time-sharing and equal incomes continue to represent a very small percentage of support cases.

5. *Multiple Families.* The Committee has chosen to retain the existing approach for establishing multiple child and spousal support obligations. New Rule 1910.16-7 sets forth the method for calculating child support obligations so that all of the obligor's children continue to have equal access to his or her resources and no child receives priority over the other children. Since calculation of multiple spousal support obligations is essentially a function of net income, it appears in new Rule 1910.16-2 governing the general calculation of net income. The provision continues to highlight the fact that the rules do not accord the same treatment to second and later spouses as they do to children in multiple family situations. Unlike children, who have no choice about the situation into which they are born, adults have the opportunity to investigate a potential spouse before committing themselves.

6. *Child Care Expenses.* Whereas the prior rules provided for equal sharing of these expenses, Rule 1910.16-6(a) now provides for proportionate sharing based on the parties' net incomes so that these expenses are allocated in the same manner as other expenses which are typically added to the basic support obligation. The Rule also reflects the availability and limitations of the federal child care tax credit which can be claimed by the custodial parent.

7. *Health Insurance Premiums.* Under the prior rules, the portion of the cost of health insurance premiums which benefit the other party or the children was deducted from the party's net income. This provided little

incentive for either party to obtain or maintain health insurance coverage for the benefit of the other family members. If the obligor was paying the premium, it reduced the basic support award only marginally. If the obligee was paying the premium, he or she received virtually no financial credit at all in terms of a higher support award.

To maximize the value for the party carrying the health insurance, new Rule 1910.16-6(b) treats the cost of the premium as an additional expense subject to allocation between the parties in proportion to their net incomes. This more accurately reflects the costs of carrying such insurance and also ensures that the obligee receives some financial credit for carrying the insurance. The new Rule also permits allocation of the entire premium, including the party's portion of the premium, when the insurance benefits the other party or the children. This change provides further incentive for parties to obtain health insurance for the benefit of the other party and the children.

8. *Unreimbursed Medical Expenses.* There are three changes to the treatment of unreimbursed medical expenses. First, since the first \$250 per year per child of these expenses is already built into the basic child support obligation reflected in the chart and the schedule, only medical expenses which exceed this amount are subject to allocation between the parties as an additional expense to be added to the basic support obligation. Rule 1910.16-6(c) reflects this distinction. The Committee has also chosen to draw this same distinction with respect to spousal support so that the obligee-spouse is expected to meet the first \$250 per year of his or her own unreimbursed expenses before seeking contribution from the obligor for any additional expenses.

Second, the Rule distinguishes between those expenses which are predictable and recurring and those which are not. When the expenses are predictable and recurring, the court may establish a monthly amount for those expenses and add it to the basic support obligation. This permits the monthly amount to be collected more easily through wage attachment. When the expenses are variable and unanticipated, and thus not conducive to routine wage attachment, the court may nonetheless order the defendant to pay his or her percentage share of these expenses.

Third, the definition of medical expenses is amended to include insurance co-payments, deductibles, and orthodontia and to exclude chiropractic services.

(*Editor's Note:* The text of Rules 1910.16-2—1910.16-5 is being replaced as follows. The rules are being printed in regular typeface to enhance readability.)

#### **Rule 1910.16-2. Support Guidelines. Calculation of Net Income.**

The amount of support to be awarded is based in large part upon the parties' monthly net income.

(a) *Monthly Gross Income.* Monthly gross income is ordinarily based upon at least a six-month average of all of a party's income. The term "income" is defined by the support law, 23 Pa.C.S. § 4302, and includes income from any source. The statute lists many types of income including, but not limited to:

- (1) wages, salaries, bonuses, fees and commissions;
- (2) net income from business or dealings in property;
- (3) interest, rents, royalties, and dividends;
- (4) pensions and all forms of retirement;
- (5) income from an interest in an estate or trust;

(6) social security disability benefits, social security retirement benefits, temporary and permanent disability benefits, workers' compensation and unemployment compensation;

(7) alimony if, in the discretion of the trier of fact, inclusion of part or all of it is appropriate; and

**Official Note:** Since the reasons for ordering payment of alimony vary, the appropriateness of including it in the recipient's gross income must also vary. For example, if obligor is paying \$1,000 per month in rehabilitative alimony for the express purpose of financing obligee's college education, it would be inappropriate to consider that alimony as income from which the obligee could provide child support. However, if alimony is intended to finance obligee's general living expenses, inclusion of the alimony as income is appropriate.

(8) other entitlements to money or lump sum awards, without regard to source, including lottery winnings, income tax refunds, insurance compensation or settlements; awards and verdicts; and any form of payment due to and collectible by an individual regardless of source.

**Official Note:** The trial court has discretion to determine the most appropriate method for imputing lump-sum awards as income for purposes of establishing or modifying the party's support obligation. These awards may be annualized or they may be averaged over a shorter or longer period of time depending on the circumstances of the case. They may also be escrowed in an amount sufficient to secure the support obligation during that period of time.

Income tax refunds should not be included as income to the extent they were already factored into the party's actual tax obligation for purposes of arriving at his or her net income.

(b) *Treatment of Public Assistance and SSI Benefits.* Neither public assistance nor Supplemental Security Income (SSI) benefits shall be counted as income for purposes of determining support.

**Official Note:** Care must be taken to distinguish Social Security from Supplemental Security Income (SSI) benefits. Social Security benefits are income pursuant to subdivision (a) of this Rule.

(c) *Monthly Net Income.*

(1) Unless otherwise provided in this Rule, the court shall deduct only the following items from monthly gross income to arrive at net income:

(A) federal, state, and local income taxes;

(B) F.I.C.A. payments and non-voluntary retirement payments;

(C) union dues; and

(D) alimony paid to the other party.

(2) In computing a spousal support or alimony pendente lite obligation, the court shall deduct from obligor's monthly net income all of his or her child support obligations and any amounts of spousal support, alimony pendente lite or alimony being paid to former spouses.

(d) *Reduced or Fluctuating Income.*

(1) *Voluntary Reduction of Income.* Where a party voluntarily assumes a lower paying job, there generally will be no effect on the support obligation. A party will

ordinarily not be relieved of a support obligation by voluntarily quitting work or by being fired for cause.

**Official Note:** This provision applies to the establishment as well as modification of a support obligation. To the extent that *Klahold v. Kroh*, 437 Pa. Super. 150, 649 A.2d 701 (1994) implies otherwise, it is overruled.

(2) *Involuntary Reduction of Income.* No adjustments in support payments will be made for normal fluctuations in earnings. However, appropriate adjustments will be made for substantial continuing involuntary decreases in income.

(3) *Seasonal Employees.* Support orders for seasonal employees, such as construction workers, shall ordinarily be based upon a yearly average.

(4) *Income Potential.* Ordinarily, a party who wilfully fails to obtain appropriate employment will be considered to have an income equal to the party's earning capacity. Age, education, training, health, work experience, earnings history and child care responsibilities are factors which shall be considered in determining earning capacity.

(e) *Net Income Affecting Application of the Child Support Guidelines.*

(1) *Low Income Cases.*

(A) When the obligor's monthly net income and corresponding number of children fall into the shaded area of the schedule set forth in Rule 1910.16-3, the basic child support obligation shall be calculated using the obligor's income only. For example, where obligor has monthly net income of \$750, the presumptively correct amount of support for three children is \$184 per month. This amount is determined directly from the schedule in Rule 1910.16-3.

(B) In computing a basic spousal support or alimony pendente lite obligation, the presumptively correct amount of support shall not reduce the obligor's net income below \$550 per month. For example, if obligor earns \$600 per month and obligee earns \$300 per month, the formula in Part IV of Rule 1910.16-4 would result in a support obligation of \$120 per month. Since this amount leaves the obligor with only \$480 per month, it must be adjusted so that obligor retains at least \$550 per month. The presumptively correct minimum amount of spousal support, therefore, is \$50 per month in this case.

(C) When the obligor's monthly net income is \$550 or less, the court may award support only after consideration of the obligor's actual living expenses.

(2) *High Income Child Support Cases.*

When the parties' combined net income exceeds \$15,000 per month, child support shall be calculated pursuant to *Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984). The presumptive minimum amount of child support shall be obligor's percentage share of the highest amount of support which can be derived from the schedule or the chart for the appropriate number of children and using the parties' actual combined income to determine obligor's percentage share of this amount. The court may award an additional amount of child support based on the remaining combined income and the factors set forth in *Melzer*.

For example, where obligor and obligee have monthly net incomes of \$17,000 and \$4,000 respectively, the presumptive minimum amount of child support for three children is calculated as follows: using the formula in Rule 1910.16-4, determine the parties' percentage shares of income based on their actual combined income—81%



and 19% respectively of \$21,000. Using the schedule or chart in Rule 1910.16-3, find the highest possible combined child support obligation for three children—\$3,480. Obligor's percentage share of the combined obligation is 81% of \$3,480, or \$2,818. This is the presumptive minimum amount of child support that he or she must pay for three children. Since this amount is derived from the schedule or chart in Rule 1910.16-3, both of which are limited to combined household income of \$15,000, the court may award an additional amount of support based on the parties' remaining income of \$6,000 and the factors set forth in *Melzer*.

#### Explanatory Comment to Rule 1910.16-2—1998

This new Rule consolidates all of the income provisions, which formerly appeared throughout Rule 1910.16-5. Subdivision (a) specifies what is gross income for purposes of calculating the support obligation. In conformity with the recently expanded definition of income under 23 Pa.C.S. § 4322, income includes bonuses, lottery winnings, income tax refunds, insurance compensation or settlements, awards or verdicts and any form of payment due and collectible regardless of source.

Subdivision (c) sets forth the exclusive list of the deductions that may be taken from gross income in arriving at a party's net income. Since the cost of health insurance premiums is now treated as an additional expense subject to allocation between the parties under Rule 1910.16-6, it is no longer deductible from gross income. Subdivision (c) also incorporates former Rule 1910.16-5(o) relating to awards of spousal support or APL when there are multiple families. In these cases, a party's net income must be reduced further to account for his or her child support obligations as well as any pre-existing spousal support, APL or alimony obligations being paid to former spouses who are not the subject of the support action.

Subdivision (e) reflects the Computed Allowance Minimum (CAM) in low-income child support cases. When the obligor's net monthly income or earning capacity falls into the shaded area of the schedule, the basic child support obligation can be derived directly from the schedule in Rule 1910.16-3. There is no need to use the formula in Rule 1910.16-4 to calculate obligor's support obligation because the CAM keeps the amount of the obligation the same regardless of obligee's income. Obligor's income may be a relevant factor, however, in determining whether to deviate from the basic guideline obligation pursuant to Rule 1910.16-5 and in considering whether to require the obligor to contribute to any additional expenses under Rule 1910.16-6.

Since the schedule in Rule 1910.16-3 reflects child support only, subdivision (e)(1)(B) is necessary to reflect the operation of CAM in spousal support and alimony pendente lite cases. It adjusts the basic guideline obligation, which would otherwise be calculated under the formula in Rule 1910.16-4 so that the obligor does not fall below \$550 per month in these cases.

When the obligor's monthly net income is less than

\$550, subsection (1)(C) provides that the court must consider the parties' actual living expenses before awarding support. The guidelines assume that at this income level the obligor is barely able to meet basic personal needs. In these cases, therefore, entry of a minimal order is appropriate. In some cases, it may not be appropriate to order support at all.

The CAM amount is only the presumptively correct amount of basic support to be awarded. If the circumstances warrant, the court may deviate from that amount under Rule 1910.16-5 and may also consider the party's contribution to the additional expenses, which are typically added to the basic amount of support under Rule 1910.16-6. If, for example, the obligor earns only \$600 per month but is living with his or her parents, or has remarried and is living with a fully-employed spouse, the court may consider an upward deviation under Rule 1910.16-5(b)(3) and/or may order the party to contribute to the additional expenses under Rule 1910.16-6. Consistent with the goals of CAM, however, the court should ensure that the overall support obligation leaves obligor with sufficient income to meet basic personal needs and to maintain the incentive to continue working so that support can be paid.

Subdivision (e) also reflects the limited application of *Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984) to cases in which the guidelines cannot be used to establish the child support obligation because the parties' combined income exceeds \$15,000 per month. The court must establish a presumptive minimum amount of child support using the guidelines to arrive at that amount. The formula for calculating the presumptive minimum amount has been modified slightly to clarify that the parties' percentage shares should be calculated using their actual combined income rather than theoretical combined income of only \$15,000. This change eliminates many of the inequities and inconsistencies that arose under the previous formula for determining this amount. In considering the parties' remaining income, the court must use the factors set forth in obligor's percentage share as additional support. Additional support, if any, may be more or less than the percentage share and must be determined, therefore, in accordance with the factors set forth in *Melzer*.

#### Rule 1910.16-3. Support Guidelines. Basic Child Support Schedule and Chart of Proportional Expenditures.

(a) *Basic Child Support Schedule*. The following schedule sets forth the amounts spent on children in intact families by combined income and number of children. Combined income is on the vertical axis of the schedule and number of children is on the horizontal axis of the schedule. This schedule is used to find the basic child support obligation. Unless otherwise provided in these Rules, the obligor's share of the basic support obligation shall be computed using the formula set forth in Part I of Rule 1910.16-4.

COMBINED NET MONTHLY INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
0-600	50	55	60	65	70	75
650	90	91	92	93	94	95
700	135	137	138	140	141	143
750	180	182	184	186	188	190

<i>COMBINED NET MONTHLY INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
800	196	228	230	233	235	238
850	208	255	276	279	282	285
900	220	273	304	325	329	333
950	232	291	325	348	369	380
1000	244	308	346	371	394	414
1050	256	326	367	394	419	441
1100	268	391	463	511	554	593
1150	279	407	482	532	577	617
1200	291	423	501	553	600	642
1250	302	440	520	575	623	667
1300	313	456	539	596	646	691
1350	325	472	558	617	669	716
1400	336	489	578	638	692	740
1450	347	505	597	659	715	765
1500	359	521	616	681	738	789
1550	370	538	635	702	761	814
1600	381	554	654	723	784	839
1650	393	571	674	744	807	863
1700	404	587	693	766	830	888
1750	415	603	712	787	853	913
1800	427	620	731	808	876	937
1850	438	636	751	829	899	962
1900	449	652	770	851	922	987
1950	461	668	788	871	944	1010
2000	472	684	807	891	966	1034
2050	483	700	825	911	988	1057
2100	494	716	843	932	1010	1081
2150	505	732	862	952	1032	1104
2200	516	748	880	972	1054	1128
2250	528	763	898	993	1076	1151
2300	539	779	917	1013	1098	1175
2350	550	795	935	1033	1120	1198
2400	560	811	954	1054	1143	1223
2450	571	827	973	1075	1165	1247
2500	582	842	991	1095	1187	1271
2550	593	858	1010	1116	1210	1295
2600	603	874	1029	1137	1232	1319
2650	614	889	1048	1158	1255	1343
2700	625	905	1066	1178	1277	1367
2750	635	921	1085	1199	1300	1391
2800	641	929	1095	1209	1311	1403
2850	647	937	1104	1220	1322	1415
2900	653	945	1113	1230	1333	1427
2950	658	953	1122	1240	1345	1439
3000	664	961	1132	1251	1356	1451
3050	670	969	1141	1261	1367	1463
3100	676	977	1150	1271	1378	1474

<i>COMBINED NET MONTHLY INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
3150	681	986	1160	1282	1389	1486
3200	686	993	1167	1289	1398	1496
3250	690	998	1172	1295	1404	1502
3300	693	1004	1177	1301	1410	1509
3350	697	1010	1182	1306	1416	1515
3400	700	1016	1187	1312	1422	1522
3450	704	1022	1192	1318	1428	1528
3500	708	1028	1197	1323	1434	1535
3550	711	1034	1203	1329	1440	1541
3600	715	1040	1208	1335	1447	1548
3650	724	1052	1223	1351	1465	1567
3700	733	1063	1238	1368	1483	1586
3750	742	1075	1252	1384	1500	1605
3800	750	1086	1267	1400	1518	1624
3850	759	1098	1282	1417	1536	1643
3900	768	1109	1297	1433	1553	1662
3950	777	1121	1311	1449	1571	1681
4000	786	1132	1326	1465	1588	1700
4050	794	1143	1339	1480	1604	1717
4100	801	1153	1351	1493	1619	1732
4150	808	1163	1363	1506	1633	1747
4200	815	1174	1375	1520	1647	1763
4250	822	1184	1387	1533	1662	1778
4300	829	1194	1399	1546	1676	1793
4350	836	1204	1411	1559	1690	1809
4400	843	1215	1423	1573	1705	1824
4450	850	1225	1435	1586	1719	1840
4500	857	1235	1447	1599	1734	1855
4550	864	1245	1459	1612	1748	1870
4600	872	1255	1471	1626	1762	1886
4650	879	1266	1483	1639	1777	1901
4700	886	1276	1495	1652	1790	1916
4750	892	1285	1506	1664	1804	1930
4800	899	1295	1518	1677	1818	1945
4850	906	1305	1529	1690	1832	1960
4900	913	1315	1541	1702	1845	1975
4950	920	1325	1552	1715	1859	1989
5000	927	1335	1564	1728	1873	2004
5050	934	1344	1575	1740	1887	2019
5100	941	1354	1586	1753	1900	2033
5150	948	1364	1598	1766	1914	2048
5200	954	1374	1609	1778	1928	2063
5250	961	1384	1621	1791	1941	2077
5300	968	1394	1632	1804	1955	2092
5350	975	1404	1644	1816	1969	2107
5400	982	1413	1655	1829	1983	2121
5450	989	1423	1667	1842	1996	2136

<i>COMBINED NET MONTHLY INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
5500	996	1433	1678	1854	2010	2151
5550	1003	1443	1690	1867	2024	2166
5600	1010	1453	1701	1880	2038	2180
5650	1016	1463	1713	1893	2052	2195
5700	1023	1473	1724	1905	2065	2210
5750	1030	1483	1736	1918	2079	2225
5800	1037	1492	1747	1931	2093	2240
5850	1044	1502	1759	1944	2107	2254
5900	1051	1512	1771	1956	2121	2269
5950	1058	1522	1782	1969	2135	2284
6000	1065	1532	1794	1982	2148	2299
6050	1071	1542	1805	1995	2162	2314
6100	1078	1552	1817	2008	2176	2328
6150	1085	1561	1828	2020	2190	2343
6200	1092	1571	1840	2033	2204	2358
6250	1099	1581	1851	2046	2218	2373
6300	1106	1591	1863	2059	2232	2388
6350	1113	1601	1875	2071	2245	2403
6400	1120	1611	1887	2085	2260	2418
6450	1126	1621	1899	2099	2275	2434
6500	1133	1632	1912	2112	2290	2450
6550	1140	1642	1924	2126	2305	2466
6600	1147	1652	1937	2140	2320	2482
6650	1153	1662	1949	2154	2334	2498
6700	1160	1672	1961	2167	2349	2514
6750	1167	1682	1974	2181	2364	2530
6800	1174	1693	1986	2195	2379	2546
6850	1181	1703	1998	2208	2394	2561
6900	1187	1713	2011	2222	2409	2577
6950	1194	1723	2023	2236	2424	2593
7000	1201	1733	2036	2249	2438	2609
7050	1208	1744	2048	2263	2453	2625
7100	1215	1754	2060	2277	2468	2641
7150	1221	1764	2073	2290	2483	2657
7200	1228	1774	2085	2304	2497	2672
7250	1231	1779	2091	2311	2505	2680
7300	1235	1784	2098	2318	2513	2689
7350	1238	1790	2104	2325	2521	2697
7400	1242	1795	2111	2333	2529	2706
7450	1245	1800	2117	2340	2536	2714
7500	1249	1806	2124	2347	2544	2722
7550	1252	1811	2131	2354	2552	2731
7600	1256	1816	2137	2362	2560	2739
7650	1260	1822	2144	2369	2568	2748
7700	1263	1827	2150	2376	2576	2756
7750	1267	1832	2157	2383	2584	2764
7800	1270	1838	2163	2391	2591	2773

<i>COMBINED NET MONTHLY INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
7850	1274	1843	2170	2398	2599	2781
7900	1277	1848	2177	2405	2607	2790
7950	1281	1854	2183	2412	2615	2798
8000	1284	1859	2190	2420	2623	2806
8050	1288	1865	2197	2428	2632	2816
8100	1296	1877	2211	2443	2648	2834
8150	1304	1888	2224	2458	2664	2851
8200	1312	1900	2238	2473	2680	2868
8250	1320	1911	2251	2487	2696	2885
8300	1328	1923	2265	2502	2712	2902
8350	1336	1934	2278	2517	2729	2920
8400	1344	1945	2291	2532	2745	2937
8450	1352	1957	2305	2547	2761	2954
8500	1360	1968	2318	2562	2777	2971
8550	1368	1980	2332	2576	2793	2988
8600	1376	1991	2345	2591	2809	3006
8650	1384	2003	2358	2606	2825	3023
8700	1392	2014	2372	2621	2841	3040
8750	1400	2026	2385	2636	2857	3057
8800	1408	2037	2399	2651	2873	3074
8850	1416	2049	2412	2665	2889	3092
8900	1424	2060	2426	2680	2905	3109
8950	1432	2072	2439	2695	2921	3126
9000	1440	2083	2452	2710	2937	3143
9050	1448	2095	2466	2725	2954	3160
9100	1456	2106	2479	2739	2970	3177
9150	1464	2117	2493	2754	2986	3195
9200	1472	2129	2506	2769	3002	3212
9250	1480	2140	2519	2784	3018	3229
9300	1488	2152	2533	2799	3034	3246
9350	1496	2163	2546	2814	3050	3263
9400	1504	2175	2560	2828	3066	3281
9450	1512	2186	2573	2843	3082	3298
9500	1520	2198	2586	2858	3098	3315
9550	1528	2209	2600	2873	3114	3332
9600	1536	2221	2613	2888	3130	3349
9650	1544	2232	2627	2903	3146	3367
9700	1552	2244	2640	2917	3162	3384
9750	1560	2255	2654	2932	3179	3401
9800	1568	2267	2667	2947	3195	3418
9850	1576	2278	2680	2962	3211	3435
9900	1584	2289	2694	2977	3227	3453
9950	1592	2301	2707	2991	3243	3470
10000	1600	2312	2721	3006	3259	3487
10050	1608	2324	2734	3021	3275	3504
10100	1616	2335	2747	3036	3291	3521
10150	1624	2347	2761	3051	3307	3539

<i>COMBINED NET MONTHLY INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
10200	1632	2358	2774	3066	3323	3556
10250	1640	2370	2788	3080	3339	3573
10300	1648	2381	2801	3095	3355	3590
10350	1656	2393	2815	3110	3371	3607
10400	1664	2404	2828	3125	3387	3625
10450	1672	2416	2841	3140	3403	3642
10500	1680	2427	2855	3155	3420	3659
10550	1688	2439	2868	3169	3436	3676
10600	1695	2448	2879	3181	3449	3690
10650	1698	2453	2886	3188	3456	3698
10700	1702	2459	2892	3196	3464	3707
10750	1706	2464	2899	3203	3472	3715
10800	1710	2470	2905	3210	3480	3723
10850	1713	2475	2912	3217	3487	3732
10900	1717	2481	2918	3224	3495	3740
10950	1721	2486	2925	3232	3503	3748
11000	1725	2492	2931	3239	3511	3757
11050	1728	2497	2938	3246	3519	3765
11100	1732	2503	2944	3253	3526	3773
11150	1736	2508	2951	3260	3534	3782
11200	1740	2513	2957	3268	3542	3790
11250	1743	2519	2964	3275	3550	3798
11300	1747	2524	2970	3282	3558	3807
11350	1751	2530	2977	3289	3565	3815
11400	1755	2535	2983	3296	3573	3823
11450	1758	2541	2990	3303	3581	3832
11500	1762	2546	2996	3311	3589	3840
11550	1766	2552	3003	3318	3597	3848
11600	1770	2557	3009	3325	3604	3857
11650	1773	2563	3016	3332	3612	3865
11700	1777	2568	3022	3339	3620	3873
11750	1781	2574	3029	3347	3628	3882
11800	1785	2579	3035	3354	3635	3890
11850	1788	2585	3042	3361	3643	3898
11900	1792	2590	3048	3368	3651	3907
11950	1796	2596	3055	3375	3659	3915
12000	1800	2601	3061	3382	3667	3923
12050	1803	2607	3068	3390	3674	3932
12100	1807	2612	3074	3397	3682	3940
12150	1811	2618	3081	3404	3690	3948
12200	1815	2623	3087	3411	3698	3957
12250	1818	2628	3094	3418	3706	3965
12300	1822	2634	3100	3426	3713	3973
12350	1826	2639	3107	3433	3721	3982
12400	1830	2645	3113	3440	3729	3990
12450	1833	2650	3120	3447	3737	3998
12500	1837	2656	3126	3454	3745	4007

<i>COMBINED NET MONTHLY INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
12550	1841	2661	3133	3462	3752	4015
12600	1845	2667	3139	3469	3760	4023
12650	1848	2672	3145	3475	3767	4031
12700	1852	2678	3152	3483	3776	4040
12750	1856	2684	3159	3491	3784	4049
12800	1860	2689	3166	3499	3793	4058
12850	1864	2695	3174	3507	3801	4067
12900	1868	2701	3181	3515	3810	4077
12950	1872	2707	3188	3523	3818	4086
13000	1876	2713	3195	3530	3827	4095
13050	1880	2718	3202	3538	3835	4104
13100	1884	2724	3209	3546	3844	4113
13150	1888	2730	3216	3554	3853	4122
13200	1892	2736	3223	3562	3861	4131
13250	1896	2742	3231	3570	3870	4141
13300	1900	2747	3238	3578	3878	4150
13350	1904	2753	3245	3586	3887	4159
13400	1908	2759	3252	3593	3895	4168
13450	1912	2765	3259	3601	3904	4177
13500	1916	2771	3266	3609	3912	4186
13550	1920	2776	3273	3617	3921	4195
13600	1924	2782	3280	3625	3929	4205
13650	1928	2788	3288	3633	3938	4214
13700	1932	2794	3295	3641	3947	4223
13750	1936	2800	3302	3649	3955	4232
13800	1940	2805	3309	3656	3964	4241
13850	1944	2811	3316	3664	3972	4250
13900	1948	2817	3323	3672	3981	4259
13950	1952	2823	3330	3680	3989	4268
14000	1956	2829	3338	3688	3998	4278
14050	1960	2834	3345	3696	4006	4287
14100	1964	2840	3352	3704	4015	4296
14150	1968	2846	3359	3712	4023	4305
14200	1972	2852	3366	3719	4032	4314
14250	1976	2858	3373	3727	4040	4323
14300	1980	2863	3380	3735	4049	4332
14350	1984	2869	3387	3743	4058	4342
14400	1988	2875	3395	3751	4066	4351
14450	1992	2881	3402	3759	4075	4360
14500	1996	2887	3409	3767	4083	4369
14550	2000	2892	3416	3775	4092	4378
14600	2004	2898	3423	3783	4100	4387
14650	2008	2904	3430	3790	4109	4396
14700	2012	2910	3437	3798	4117	4406
14750	2016	2916	3444	3806	4126	4415
14800	2020	2921	3452	3814	4134	4424
14850	2024	2927	3459	3822	4143	4433

COMBINED NET MONTHLY INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
14900	2028	2933	3466	3830	4152	4442
14950	2032	2939	3473	3838	4160	4451
15000	2036	2945	3480	3846	4169	4460

(b) *Chart of Proportional Expenditures.* The following chart sets forth the proportion of combined monthly net income spent on children by income level. It is used to find the parties' basic child support obligation. Unless otherwise provided in these Rules, the obligor's share of the basic support obligation shall be computed using the formula set forth in Part I of Rule 1910.16-4.

**PROPORTION OF NET INCOME SPENT ON CHILDREN BY COMBINED INCOME LEVEL**

Children	\$423-\$1,058	\$1,059-\$1,481	\$1,482-\$1,905	\$1,906-\$2,328	\$2,329-\$2,751	\$2,752-\$3,174
1	\$104, plus 24.32% above \$423	\$258, plus 22.67% above \$1,059	\$354, plus 22.72% above \$1,482	\$451, plus 22.32% above \$1,906	\$545, plus 21.39% above \$2,329	\$636, plus 11.47% above \$2,752
2	\$152, plus 35.44% above \$423	\$377, plus 32.68% above \$1,059	\$515, plus 32.77% above \$1,482	\$654, plus 31.70% above \$1,906	\$788, plus 31.41% above \$2,329	\$921, plus 16.16% above \$2,752
3	\$180, plus 41.93% above \$423	\$446, plus 38.34% above \$1,059	\$609, plus 38.47% above \$1,482	\$772, plus 36.69% above \$1,906	\$927, plus 37.49% above \$2,329	\$1,085, plus 18.62% above \$2,752
4	\$199, plus 46.33% above \$423	\$493, plus 42.37% above \$1,059	\$673, plus 42.50% above \$1,482	\$853, plus 40.54% above \$1,906	\$1,024, plus 41.42% above \$2,329	\$1,199, plus 20.58% above \$2,752
5	\$216, plus 50.22% above \$423	\$535, plus 45.92% above \$1,059	\$729, plus 46.08% above \$1,482	\$924, plus 43.94% above \$1,906	\$1,110, plus 44.90% above \$2,329	\$1,300, plus 22.30% above \$2,752
6	\$231, plus 53.74% above \$423	\$572, plus 49.14% above \$1,059	\$780, plus 49.30% above \$1,482	\$989, plus 47.02% above \$1,906	\$1,188, plus 48.04% above \$2,329	\$1,391, plus 23.87% above \$2,752
Children	\$3,175-\$3,598	\$3,599-\$4,021	\$4,022-\$4,656	\$4,657-\$5,502	\$5,503-\$6,349	
1	\$684, plus 7.20% above \$3,175	\$715, plus 17.74% above \$3,599	\$790, plus 14.14% above \$4,022	\$879, plus 13.79% above \$4,657	\$996, plus 13.75% above \$5,503	
2	\$989, plus 11.89% above \$3,175	\$1,040, plus 22.97% above \$3,599	\$1,137, plus 20.44% above \$4,022	\$1,267, plus 19.70% above \$4,657	\$1,434, plus 19.74% above \$5,503	
3	\$1,164, plus 10.21% above \$3,175	\$1,207, plus 29.49% above \$3,599	\$1,332, plus 23.99% above \$4,022	\$1,485, plus 22.92% above \$4,657	\$1,679, plus 23.11% above \$5,503	
4	\$1,286, plus 11.28% above \$3,175	\$1,334, plus 32.59% above \$3,599	\$1,472, plus 26.51% above \$4,022	\$1,640, plus 25.32% above \$4,657	\$1,855, plus 25.54% above \$5,503	
5	\$1,395, plus 12.22% above \$3,175	\$1,446, plus 35.33% above \$3,599	\$1,596, plus 28.74% above \$4,022	\$1,778, plus 27.45% above \$4,657	\$2,011, plus 27.68% above \$5,503	
6	\$1,492, plus 13.08% above \$3,175	\$1,548, plus 37.80% above \$3,599	\$1,708, plus 30.75% above \$4,022	\$1,903, plus 29.37% above \$4,657	\$2,151, plus 29.62% above \$5,503	
Children	\$6,350-\$7,195	\$7,196-\$8,042	\$8,043-\$10,581	\$10,582-\$12,697	\$12,698-\$15,000	
1	\$1,113, plus 13.57% above \$6,350	\$1,227, plus 7.05% above \$7,196	\$1,287, plus 15.99% above \$8,043	\$1,693, plus 7.51% above \$10,582	\$1,852, plus 7.97% above \$12,698	
2	\$1,601, plus 20.37% above \$6,350	\$1,773, plus 10.65% above \$7,196	\$1,863, plus 22.93% above \$8,043	\$2,446, plus 10.95% above \$10,582	\$2,677, plus 11.60% above \$12,698	
3	\$1,874, plus 24.79% above \$6,350	\$2,084, plus 13.13% above \$7,196	\$2,195, plus 26.83% above \$8,043	\$2,877, plus 13.01% above \$10,582	\$3,152, plus 14.26% above \$12,698	
4	\$2,071, plus 27.39% above \$6,350	\$2,303, plus 14.51% above \$7,196	\$2,426, plus 29.65% above \$8,043	\$3,179, plus 14.37% above \$10,582	\$3,483, plus 15.76% above \$12,698	
5	\$2,245, plus 29.69% above \$6,350	\$2,496, plus 15.73% above \$7,196	\$2,629, plus 32.14% above \$8,043	\$3,446, plus 15.58% above \$10,582	\$3,775, plus 17.08% above \$12,698	
6	\$2,402, plus 31.77% above \$6,350	\$2,671, plus 16.83% above \$7,196	\$2,813, plus 34.39% above \$8,043	\$3,687, plus 16.67% above \$10,582	\$4,039, plus 18.28% above \$12,698	



**Rule 1910.16-4. Support Guidelines. Calculation of Support Obligation. Formula**

(a) The following formula shall be used to calculate the obligor's share of the basic guideline child support, spousal support and/or alimony pendente lite obligation:

*PART I. BASIC CHILD SUPPORT*

	<i>OBLIGOR</i>	<i>OBLIGEE</i>
1. Total Gross Income per pay period	_____	_____
2. Less Deductions	(_____)	(_____)
3. Net Income	_____	_____
4. Conversion to Monthly Amount (if pay period is other than monthly)	_____	_____
5. Combined Total Monthly Net Income	_____	
6. BASIC CHILD SUPPORT OBLIGATION		
(Determine either from Schedule based on number of children and line 5 combined monthly net income OR from Chart by finding proportion of combined income spent on the children)	_____	
7. Net Income Expressed as a Percentage Share of Income (Divide line 4 by line 5 and multiply by 100)	_____%	_____%
8. Each Parent's Monthly Share of the Basic Child Support Obligation (Multiply line 6 and line 7)	_____	_____

*PART II. SUBSTANTIAL or SHARED PHYSICAL CUSTODY ADJUSTMENT, IF APPLICABLE (See subdivision (c) of this Rule)*

9. a. Percentage of Time Spent with Children (Divide number of overnights with obligor by 365 and multiply by 100).	_____%
b. Subtract 30%	_____%
c. Obligor's Adjusted Percentage Share of the Basic Monthly Support Obligation (Subtract line 9b from line 7)	_____%
d. Obligor's Adjusted Share of the Basic Monthly Support Obligation (Multiply line 9c and line 6)	_____
e. Further adjustment, if necessary under subdivision (c)(2) of this Rule	_____

*PART III. ADDITIONAL EXPENSES (See Rule 1910.16-6)*

10. a. Obligor's share of child care expenses	_____
b. Obligor's share of health insurance premium if obligee is paying the premium	_____
c. Less obligee's share of the health insurance premium if obligor is paying the premium	(_____)
d. Obligor's share of unreimbursed medical expenses	_____
f. Other additional expenses	_____
e. Total Additional Expenses	_____
11. OBLIGOR'S TOTAL SUPPORT OBLIGATION (Add line 8 (or 9(d) if applicable) and line 10e)	_____

*PART IV. SPOUSAL SUPPORT OR APL With Dependent Children*

12. Obligor's Monthly Net Income (Line 4)	_____
13. Less Obligee's Monthly Net Income (Line 4)	(_____)
14. Difference	_____
15. Less Obligor's Total Child Support Obligation (Line 11)	(_____)
16. Difference	_____
17. Multiply by 30%	x _____ .30
18. AMOUNT OF MONTHLY SPOUSAL SUPPORT OR APL	x _____

*Without Dependent Children*

19. Obligor's Monthly Net Income (Line 4)	_____
20. Less Obligee's Monthly Net Income (Line 4)	(_____)
21. Difference	_____

22. Multiply by 40%

x \_\_\_\_\_ .40

23. AMOUNT OF MONTHLY SPOUSAL SUPPORT OR APL

(b) *Order For More Than Six Children.* When there are more than six children who are the subject of a single order, the child support obligation shall be calculated as follows. First, determine the appropriate amount of support for six children under the guidelines. Using the same income figures, subtract the support amount for five children from the amount for six children. Multiply the difference by the number of children in excess of six and add the resulting amount to the guideline amount for six children.

(c) *Substantial or Shared Physical Custody.*

(1) The support guidelines contemplate that the obligor has regular contact, including vacation time, with his or her children, and that he or she makes direct expenditures on behalf of the children. When, however, the children spend 40% or more of their time during the year with obligor, a rebuttable presumption exists that the obligor is entitled to a reduction in the basic support obligation to reflect this additional time. Except as provided in subsections (2) and (3) below, the reduction shall be calculated pursuant to the formula set forth in Part II of subdivision (a) of this Rule. For purposes of this provision, the time spent with the children shall be determined by the number of overnights they spend during the year with obligor.

*Example.* Where obligor and obligee have monthly net incomes of \$5,000 and \$2,300 respectively, their combined child support obligation is \$1,784 for two children. Using the income shares formula in Part I, obligor's share of this obligation is 68%, or \$1,222. If the children spend 40% of their time with the obligor, the formula in Part II applies to reduce his or her percentage share of the combined support obligation to 58%, or \$1,034. If the children spend 45% of their time with the obligor, his or her percentage share of the combined obligation is reduced to 53%, or \$945. If the children spend equal time with both parents, the obligor's percentage share is reduced to 48%, or \$856.

(2) When the children spend equal time with both parents, and application of the formula in Part II results in obligee receiving a larger share of the parties' combined income, the court shall adjust the support obligation so that the combined income is allocated equally between the two households.

*Example.* Where the obligor and obligee have monthly net incomes of \$3,000 and \$2,500 respectively, their combined child support obligation for two children is \$1,433. Obligor's share of this obligation is 55%, or \$788. If the children spend equal time with both parents, the formula in Part II results in a support obligation of \$501 payable to obligee. Since this amount gives obligee \$3,001 of the combined income, and leaves obligor with only \$2,499 of the combined income, the obligor's support obligation must be adjusted to \$250 to equalize the combined income between the parties' households. This is the presumptively correct amount of basic support payable to obligee under these circumstances.

(3) This subdivision shall not apply when the obligor's income falls within the shaded area of the schedule in Rule 1910.16-3(a) or when the obligee's income is 10% or less of the parties' combined income.

(d) *Divided or Split Physical Custody.*

(1) When calculating a child support obligation, and one or more children reside with each party, the court shall offset the parties' respective child support obligations and award the net difference to the obligee as child support. For example, if the parties have three children, one of whom resides with Husband and two of whom reside with Wife, and their net monthly incomes are \$1,500 and \$800 respectively, Husband's child support obligation is calculated as follows. Using the formula with either the schedule or the chart in Rule 1910.16-3 for two children, Husband's support obligation for the two children living with Wife is \$508. Using the formula with the schedule or chart in Rule 1910.16-3 for one child, Wife's support obligation for the child living with Husband is \$188. Subtracting \$188 from \$508 produces a net support amount of \$320 payable to Wife as child support.

(2) When calculating a combined child support and spousal or APL obligation, and one or more children reside with each party, the court shall offset the obligor's spousal and child support obligation with the obligee's child support obligation and award the net difference to the obligee as spousal and child support. In the example above, Husband's spousal and child support obligation to Wife and two children is \$564. Wife's child support obligation for one child is \$188. Subtracting \$188 from \$564 produces a net support amount of \$376 payable to Wife as spousal and child support.

(e) *Support Obligations When Custodial Parent Owes Spousal Support.* Where children are residing with the spouse obligated to pay spousal support (custodial parent) and the other spouse (non-custodial parent) has a legal obligation to support these children, the guideline amount of spousal support shall be determined by offsetting the non-custodial parent's obligation for support of the children and the custodial parent's obligation of spousal support, and awarding the net difference to the non-custodial parent as spousal support.

The following example uses the formula to show the steps followed to determine the amount of the non-custodial parent's support obligation to the children and the effect of that obligation upon the custodial parent's spousal support obligation. The example assumes that the parties have two children and the non-custodial parent's net monthly is \$1,000 and the custodial parent to the non-custodial is \$2,600. First, determine the spousal support obligation of the custodial parent to the non-custodial parent based upon their net incomes from the formula for spousal support without dependent children, i.e., \$640. Second, recompute the net income of the parties assuming the payment of the spousal support so that \$640 is deducted from the custodial parent's net income, now \$1,960, and added to the non-custodial parent's net income, now \$1,640. Third, determine the child support obligation of the for two children, i.e., \$468. Fourth, determine the recomputed support obligation of the custodial parent to the non-custodial parent by subtracting the non-custodial parent's child support obligation from Step 3 (\$468) from the original support obligation determined in Step 1 (\$640). The recomputed spousal support is \$172.

(f) *Allocation. Consequences.*

(1) An order awarding both spousal and child support may be unallocated or state the amount of support allocable to the spouse and the amount allocable to each child. However, the formula provided by these rules assume that an order will be unallocated. Therefore, if the order is to be allocated, the formula set forth in this Rule shall be utilized to determine the amount of support allocable to the spouse. If allocation of an order utilizing the formula would be inequitable, the court shall make an appropriate allocation. Also, if an order is to be allocated, an adjustment shall be made to the award giving consideration to the federal income tax consequences of an allocated order as may be appropriate under the circumstances.

(2) When the parties are in higher income brackets, the income tax considerations are likely to be a more significant factor in determining an award of support. A support award for a spouse and children is taxable to the obligee while an award for the children only is not. Consequently, in certain situations an award only for the children will be more favorable to the obligee than an award to the spouse and children. In this situation, the trier of fact should utilize the guidelines which result in the greatest benefit to the obligee.

When the obligee's net income is equal to or greater than the obligor's net income, the guideline amount for spouse and children is identical to the guideline amount for children only. Therefore, in cases involving support for spouse and children, whenever the obligee's net income is equal to or greater than the obligor's net income, the guideline amount indicated shall be attributed to child support only.

(3) In the event that obligor defaults on an unallocated order, the court shall allocate the order for collection of child support pursuant to the Internal Revenue Service income tax refund intercept program or for registration and enforcement of the order in another jurisdiction under the Uniform Interstate Family Support Act, 23 Pa.C.S. § 7101 et seq. The court shall provide notice of allocation to the parties.

**Official Note:** This provision is necessary to comply with various state and federal laws relating to the enforcement of child support. It is not intended to affect the tax consequences of an unallocated order.

**Explanatory Comment to Rule 1910.16-4—1998**

Former Rule 1910.16-4 listed the factors for deviation from the support guidelines. Those factors now appear in Rule 1910.16-5. New Rule 1910.16-4(a) sets forth the income shares formula used to establish the support obligation and consolidates the provisions which formerly appeared in Rule 1910.16-5 relating to use of the formula in special situations. The formula itself has been revised only to conform to the new schedule in Rule 1910.16-3.

Subdivision (b) incorporates former Rule 1910.16-5(e) relating to orders for more than four children. It has been changed only to reflect the expansion of the guidelines from four to six children and the use of the chart and schedule in lieu of the grids.

Subdivision (c) sets forth the method for calculating the presumptively correct amount of support in cases where the obligor spends a substantial amount of time with the children. The method is essentially this: when the obligor spends 40% or more time with the children, his or her percentage share of the combined basic support obligation is reduced by the percentage of time spent over and above

the routine partial custody/visitation arrangement. For purposes of applying this method, the Committee has designated 30% time as the routine arrangement and 40% time as the level at which the parties' expenses begin to change significantly enough to warrant a reduction in the basic support obligation. When there is equal time sharing, subsection (2) reduces the support obligation further so that the obligor does not pay more than what is necessary to spread the parties' combined income equally between the two households. Subsection (3) expressly excludes CAM cases from application of this rule. Since the CAM already reduces support to a minimal level, no further reduction should be given for the amount of time spent with the children.

Subdivision (d) is derived from previous Rule 1910.16-5(h) relating to divided or split custody cases. The new provision has been rewritten to update the examples in conformity with the new levels of child support reflected in the chart and schedule. It retains the existing method for offsetting the parties' respective support obligations when one or more of the children reside with each party, but eliminates the exception which previously existed in cases where one party's income was minimal and the other party's income was significantly greater. This exception was confusing as well as erroneous in its suggestion that offsetting should not be used because it would result in less than the full guideline amount of child support being paid to the party with minimal income. To the contrary, the offset method actually works to protect against this result and therefore should be used in these cases.

Subdivision (e) incorporates the substance of former Rule 1910.16-5(j) governing spousal support obligations when the custodial parent owes spousal support. It has been rewritten for greater clarity and the examples have been updated to reflect the new levels of child support and the use of the new schedule.

Subdivision (f)(1) and (2) incorporate verbatim the provisions which formerly appeared in Rule 1910.16-5(f). The guidelines continue to presume that the order will be unallocated for tax purposes. Subsection (3) is new, however, and provides for administrative allocation of the order in two instances: 1) when the obligor defaults on the order and it becomes necessary to collect support by intercepting any income tax refunds that may be due and payable to obligor and 2) when the obligor defaults and the order must be registered in another state under the Uniform Interstate Family Support Act (UIFSA). As the note indicates, this administrative allocation is not intended to affect the tax consequences of the unallocated order.

**Rule 1910.16-5. Support Guidelines. Deviation.**

(a) If the amount of support deviates from the amount of support determined by the guidelines, the trier of fact shall specify, in writing, the guideline amount of support, and the reasons for, and findings of fact justifying, the amount of the deviation.

**Official Note:** The deviation applies to the amount of the support obligation and not to the amount of income.

(b) In deciding whether to deviate from the amount of support determined by the guidelines, the trier of fact shall consider:

- (1) unusual needs and unusual fixed obligations;
- (2) other support obligations of the parties;
- (3) other income in the household;

- (4) ages of the children;
- (5) assets of the parties;
- (6) medical expenses not covered by insurance;
- (7) standard of living of the parties and their children;
- (8) in a spousal support or alimony pendente lite case, the period of time during which the parties lived together from the date of marriage to the date of final separation; and
- (9) other relevant and appropriate factors, including the best interests of the child or children.

#### **Explanatory Comment to Rule 1910.16-5—1998**

As part of the overall reorganization of the support rules, the provisions which formerly appeared in Rule 1910.16-5 have been moved elsewhere. New Rule 1910.16-5 incorporates former Rule 1910.16-4 setting forth the factors for deviation from the presumptively correct amount of support. Subdivision (b)(8) was added to permit the court to consider the length of the marriage in a spousal support or alimony pendente lite case. The primary purpose of this provision is to prevent the unfairness that arises in a short-term marriage when the obligor is required to pay support over a substantially longer period of time than the parties were married and there is little or no opportunity for credit for these payments at the time of equitable distribution.

*(Editor's Note: The following Rules 1910.16-6 and 1910.16-7 are new and are being printed in regular typeface to enhance readability.)*

#### **Rule 1910.16-6. Support Guidelines. Adjustments to the Basic Support Obligation.**

(a) *Child care expenses.* Reasonable child care expenses paid by the custodial parent, if necessary to maintain employment or appropriate education in pursuit of income, are the responsibility of both parents. These expenses shall be allocated between the parties in proportion to their net incomes and obligor's share added to his or her basic support obligation.

(1) Except as provided in subsection (2), the total child care expenses shall be reduced by 25% to reflect the federal child care tax credit available to the custodial parent, whether or not the credit is actually claimed by that parent, up to a maximum annual cost of \$2,400 per year for one child and \$4,800 per year for two or more children. For example, where the custodial parent incurs \$7,000 per year of reasonable child care expenses for two children, the net child care expenses subject to allocation between the parties is calculated as follows. Multiply the first \$4,800 of these expenses by .75 — \$3,600. Add the remaining child care expenses of \$2,200 to this amount for a total of \$5,800. Divide this amount by 12 months for a total of \$483 per month of net child care expenses that are subject to allocation between the parties in proportion to their net incomes.

(2) The federal child care tax credit shall not be used to reduce the child care expenses subject to allocation between the parties if the custodial parent's gross income (before considering any support) falls below \$1,200 per month for one child, \$1,600 per month for two children, \$1,800 per month for three children, \$2,000 per month for four children, \$2,300 per month for five children and \$2,500 per month for six children.

**Official Note:** A child care subsidy provided by the Department of Public Welfare should not be used to reduce the child care expenses subject to allocation between the parties to the extent that obligor has the

financial resources to contribute to the actual costs of child care. Nor is it appropriate to order the obligee to seek a child care subsidy in order to reduce the obligor's share of child care expenses if obligor has the financial ability to contribute to those expenses.

#### **(b) Health Insurance Premiums.**

(1) A party's payment of a premium to provide health insurance coverage on behalf of the other party or the children shall be allocated between the parties in proportion to their net incomes, including the portion of the premium attributable to the party who is paying it. If the obligor is paying the premium, then obligee's share is deducted from the obligor's basic support obligation. If the obligee is paying the premium, then obligor's share is added to his or her basic support obligation. Employer-paid premiums are not subject to allocation.

(2) When the health insurance covers other persons or children who are not the subject of the support action, the portion of the premium attributable to them must be excluded from allocation. In the event this portion is not known or cannot be verified, it shall be calculated as follows. First, determine the cost per person by dividing the total cost of the premium by the number of persons covered under the policy. Second, multiply the cost per person by the number of persons who are not the subject of the support action. The resulting amount is excluded from allocation.

For example, if Husband pays \$200 per month for a health insurance policy which covers himself, Wife, the parties' child, and two additional children from a previous marriage, the portion of the premium attributable to the additional two children, if not otherwise verifiable or known with reasonable ease and certainty, is calculated by dividing \$200 by five persons and then multiplying the resulting amount of \$40 per person by the two additional children, for a total \$80 to be excluded from allocation. Deduct this amount from the total cost of the premium to arrive at the portion of the premium to be allocated between the parties — \$120. Since Husband is paying the premium, Wife's percentage share of \$120 is deducted from Husband's support obligation. If Wife had been providing the coverage, then Husband's percentage share would be added to his basic support obligation.

(3) Pursuant to 23 Pa.C.S. § 4326, the non-custodial parent bears the initial responsibility of providing health care coverage for the children if it is available at a reasonable cost on an employment-related or other group basis.

**Official Note:** Subdivision (b) of this Rule does not apply to Medical Assistance. See 23 Pa.C.S. § 4326(l).

(c) *Unreimbursed Medical Expenses.* Unreimbursed medical expenses of the obligee or the children shall be allocated between the parties in proportion to their respective net incomes and obligor's share added to his or her basic support obligation.

(1) For purposes of this subdivision, medical expenses are annual unreimbursed medical expenses in excess of \$250 per person which are recurring and can be reasonably predicted by the court at the time of establishment or modification of the support order. Medical expenses include insurance co-payments and deductibles and all expenses incurred for reasonably necessary medical services and supplies, including but not limited to surgical, dental and optical services, and orthodontia. Medical expenses do not include cosmetic, chiropractic, psychiatric or psychological services unless specifically directed in the order of court.

(2) If there are annual medical expenses in excess of \$250 per person which are unpredictable or non-recurring, the court may order that such expenses, if incurred, be allocated in proportion to the parties' net incomes. The court may direct obligor to pay his or her share either to the obligee or directly to the health care provider.

(3) An annual limitation may be imposed when the burden on the obligor would otherwise be excessive.

**Official Note:** If the trier of fact determines that the obligee acted reasonably in obtaining services which were not specifically set forth in the order of support, payment for such services may be ordered retroactively.

(d) *Private School Tuition. Summer Camp. Other Needs.* The support schedule does not take into consideration expenditures for private school tuition or other needs of a child which are not specifically addressed by the guidelines. If the court determines that one or more such needs are reasonable, the expense thereof shall be allocated between the parties in proportion to their net incomes. The obligor's share may be added to his or her basic support obligation.

(e) *Mortgage Payment.* The guidelines assume that the spouse occupying the marital residence will be solely responsible for the mortgage payment, real estate taxes, and homeowners' insurance. Similarly, the court will assume that the party occupying the marital residence will be paying the items listed unless the recommendation specifically provides otherwise. If the obligee is living in the marital residence and the mortgage payment exceeds 25% of the obligee's net income (including amounts of spousal support, APL and child support), the court may direct the obligor to assume up to 50% of the excess amount as part of the total support award. For purposes of this subdivision, the term "mortgage" includes first and subsequent mortgages, home equity loans and any other obligations incurred during the marriage which are secured by the marital residence.

#### **Explanatory Comment to Rule 1910.16-6—1998**

New Rule 1910.16-6 consolidates the provisions of former Rule 1910.16-5 governing the treatment of additional expenses that warrant an adjustment to the basic support obligation.

Subdivision (a) relating child care expenses substantially incorporates former subdivision (i) of Rule 1910.16-5 with two substantive changes. First, it changes the method of allocation from one of equal shares to proportionate shares based on the parties' net incomes. Second, it reflects the federal child care tax credit that is available to the custodial parent. This credit essentially reduces the total expenses subject to allocation. For tax purposes, the actual credit can range anywhere from 20 to 30 percent depending on the custodial parent's income. For support purposes, however, the Rule assumes an average tax credit of 25 percent. Although the court may always look at the actual tax rate that applies in a particular case, it will have very little impact on the overall support award.

There are two important limitations on the use of this tax credit. First, it applies only to the first \$2,400 per year (\$200 per month) for one child or \$4,800 per year (\$400 per month) for two or more children. Only child care expenses incurred up to these amounts, therefore, are reduced by 25% before allocating them between the parties. Any remaining expenses are allocated between the parties without adjustment. Second, since the tax credit may be taken only against taxes owed, it cannot be

used when the custodial parent does not incur sufficient tax liability to fully realize the credit. For this reason, subsection (2) provides that no adjustment to the total child care expenses may be made if the custodial parent's gross income falls below the thresholds set forth therein. The income thresholds are based on 1997 tax rates.

Subdivision (b) reflects a major change in the treatment of health insurance premiums. Under the old rules, the cost of health insurance was deducted from the party's gross income to determine net income. Under the new Rule, this cost is now treated as an additional expense to be allocated between the parties in proportion to their net incomes. In addition, subsection (1) of the new Rule permits allocation of the entire premium, including the party's portion of the premium, when the insurance benefits the other party or the children. Subsection (2) provides for proration of the premium when the health insurance covers other persons who are not subject to the support action.

Subdivision (c) incorporates former Rule 1910.16-5(p) with four changes. First, since the first \$250 of medical expenses per year per child is built into the basic guideline amount in the child support schedule, only medical expenses in excess of \$250 per year per child are subject to allocation under this Rule as an additional expense to be added to the basic support obligation. Second, the Committee has chosen to draw this same line with respect to spousal support so that the obligee-spouse is expected to assume the first \$250 per year of these expenses and may seek contribution under this Rule only for unreimbursed expenses which exceed \$250 per year. The third change amends the definition of "medical expenses" to include insurance co-payments, deductibles and orthodontia and to exclude chiropractic services. The fourth change distinguishes between medical expenses which are recurring and predictable and those which are not. When the expenses are recurring and predictable, the court may establish a monthly amount for these expenses and add it to the basic support obligation so that it is collectible through wage attachment.

Subdivision (d) governs apportionment of private school tuition, summer camp and other unusual needs not reflected in the basic guideline amounts of support. Whereas the old rule required these expenses to be borne by the parties in reasonable shares, the new Rule presumes allocation in proportion to the parties' net incomes consistent with the treatment of the other additional expenses.

New subdivision (e) substantially incorporates former Rule 1910.16(g) and has been modified only to provide some uniformity and certainty as to what constitutes an unusually high mortgage payment that may justify an upward adjustment to the basic support obligation. The change is intended only for the benefit of the obligee living in the marital residence. There is no adjustment if the obligor is living there.

#### **Rule 1910.16-7. Support Guidelines. Awards of Child Support When There are Multiple Families.**

(1) When the total of obligor's basic child support obligations equals fifty percent or less of his or her monthly net income, there will generally be no deviation from the guideline amount of support on the ground of the existence of a new family. For example, where the obligor requests a reduction of support for one child of the first marriage on the basis that there is a new child of the second intact marriage, and the relevant monthly net incomes are \$1,500 for obligor, \$500 for the former spouse

and \$1,300 for the current spouse, the request for a reduction will be denied because the total support obligation of \$707 (\$354 for the first child and \$353 for the second child) is less than half of the obligor's monthly net income.

(2) When the total of obligor's basic support obligations exceeds fifty percent of his or her monthly net income, the court may consider a proportional reduction of these obligations. Since, however, the goal of the guidelines is to treat each child equitably, in no event should either a first or later family receive preference. Nor shall the court divide the guideline amount for all of obligor's children among the households in which those children live.

*Example.* Obligor is sued for support of an out of wedlock child. Obligor is already paying support for two children of the first marriage, and has an intact second marriage with one child. The relevant monthly net incomes are \$1,500 for obligor, \$1,100 for the former spouse, \$0 for the current spouse and \$1,500 for the parent of the new child. The guideline amounts for each family are \$504 for the two children of the first marriage, \$359 for the one child of the second marriage, and \$332 for the one child out of wedlock for a total support obligation of \$1,195. Since the total of these obligations exceeds fifty percent of the obligor's net monthly income of \$1,500 per month, the court may consider a proportional reduction of all of the orders.

*Example.* Obligor is sued for support of three children of a second marriage. There is already an order in effect for two children of the first marriage. The relevant monthly net incomes are \$1,000 for obligor, \$0 for the first spouse and \$500 for the second spouse. The guideline amounts for each family are \$308 for the two children of the first marriage and \$347 for the three children of the second marriage for a total support obligation of \$655. Since this total obligation leaves obligor with only \$345 on which to live, the order for the three children of the second family is too high. However, reducing the order for three children while leaving the existing order intact would give preference to the first family, contrary to the rule. Therefore, both orders must be reduced proportionally.

*Example.* Obligor is sued to establish orders for three children born out of wedlock. The net monthly incomes for obligor and for each obligee is \$1,500. The court would determine that the guideline figure for each child is \$322 for a total obligation of \$966 for three children. It would be incorrect to determine the guideline amount for three children, in this case \$664, and then divide that amount among the three children.

(3) For purposes of this Rule, the presumptively correct total of obligor's basic support obligations is calculated using only the basic guideline amounts of support, as determined from the formula in Rule 1910.16-4, and does not include any additional expenses that may be added to these amounts pursuant to Rule 1910.16-6. In calculating the presumptively correct total of obligor's basic support obligations, the court should ensure that obligor retains at least \$550 per month consistent with Rule 1910.16-2(e).

*Example.* Assume that obligor is paying \$291 per month support for one child of the first marriage, plus an additional \$50 per month for child care expenses. Obligor requests a reduction in this support obligation on the basis that there is one new child of the second intact marriage. The relevant incomes are \$1,200 for obligor and \$0 for both the former and current spouses. Obligor's

request for a reduction should be denied because the total of the basic guideline obligations for both children is only \$582 (\$291 for each child) and this amount does not exceed 50% of the obligor's net monthly income. No reduction should be given on the basis that obligor's contribution to child care expenses for the first child results in an overall support obligation of \$632 which exceeds 50% of the obligor's net monthly income. Thus, the presumptively correct amount of basic support for the two children is still \$582 (\$291 for each child). The court must then consider the deviation factors under Rule 1910.16-5 and the parties' respective contributions to additional expenses under Rule 1910.16-6 in arriving at an appropriate amount of total support for each child.

*Example.* Assume that obligor is paying \$244 per month support for one child of the first marriage. Obligor has one new child of the second intact marriage. The relevant incomes are \$1,000 for obligor and \$0 for both the former and current spouses. No reduction should be given on the basis of obligor's new child because the total of the basic guideline obligations for both children is only \$488 (\$244 for each child) and this amount does not exceed 50% of the obligor's net monthly income. Since, however, this amount leaves obligor with only \$512 per month, the court should proportionally reduce the support obligations so that obligor retains \$550 per month. Thus, the presumptively correct amount of basic support for the two children is \$450 (\$225 for each child). The court must then consider the deviation factors under Rule 1910.16-5 and the parties' respective contributions to additional expenses under Rule 1910.16-6 in arriving at an appropriate amount of total support for each child.

#### **Explanatory Comment—1998**

This new Rule replaces former Rule 1910.16-5(n) relating to the calculation of child support obligations in the context of multiple families. It has been rewritten for clarity and to update the examples used to illustrate the method for calculating these obligations. Awards of spousal support in this context are now addressed in Rule 1910.16-2(c)(2).

In determining whether the total support obligations exceed 50% of the obligor's net income to warrant a proportionate reduction of the child support orders, subdivision (3) has been added to clarify that the total consists only of the basic amounts of child support, as derived from the income shares formula in Rule 1910.16-4, and does not include additional expenses that may be added to these basic amounts under Rule 1910.16-6. As the first example illustrates, no reduction should be given if the basic support obligations do not exceed 50% of the obligor's net monthly income even though his or her contribution to additional expenses may result in an overall obligation exceeding this percentage of income. As the second example illustrates, however, in low income cases it may be necessary to adjust the child support obligations proportionally even though they do not exceed 50% of the obligor's net income. This is consistent with the goals of CAM to ensure that obligor retains sufficient income to maintain the incentive to work so that he or she can support all of the children.

Subdivision (3) also emphasizes that the initial amounts which are calculated for purposes of determining whether a proportional reduction is warranted are only presumptively correct amounts of child support. They are subject to upward or downward adjustment under Rules 1910.16-5 and 1910.16-6 relating to deviation and additional child-related expenses which are typically added to the basic obligation. This is intended only to emphasize

that the establishment of appropriate support obligations for children of different families involves the same considerations as the establishment of a support obligation for a child or children of a single family.

[Pa.B. Doc. No. 98-2058. Filed for public inspection December 18, 1998, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Adoption of Arbitration Appeal Program Case Management Order; Administrative Doc. 08 of 1998

*And Now*, this 1st day of December, it is hereby *Ordered* that effective January 4, 1999, a Case Management Order will be automatically applied to all cases in the Arbitration Appeal Program upon filing of the appeal from the Report and Award of the Arbitrators. The Prothonotary will be directed upon the filing of any appeal from the Report and Award of the Arbitrators to issue a form Case Management Order which will be docketed and forwarded together with notice of the date of the status conference. The format of the Case Management Order appears as follows:

#### CASE MANAGEMENT ORDER

##### ARBITRATION APPEAL PROGRAM

AND NOW, this            day of           , 1999, an appeal from the Report and Award of Arbitrators having been filed in the above-captioned matter and a status conference having been scheduled, the following Case Management Order is hereby entered.

1. *STATUS CONFERENCE*: ALL counsel and non-represented parties must appear at the status conference and shall be prepared to discuss settlement of the case with clients available by telephone to authorize settlement. All counsel are required to communicate with each other and all non-represented parties to advise them of the status by forwarding a notice of same via facsimile or U.S. Mail.

At the status conference, a trial or monthly pool date and pretrial settlement conference date certain shall be assigned. Counsel will be attached for trial.

Also, at the status conference, a memorandum will be given to all parties with direction to complete and present the same at the time of the mandatory pretrial settlement conference. Failure to comply with the terms and conditions of said memorandum and/or failure to appear for either the pretrial settlement conference or trial will result in the imposition of appropriate sanctions.

2. *DISCOVERY DEADLINE*: All discovery shall be completed no later than 90 days prior to trial.

3. *EXPERT DEADLINE*: (IF APPLICABLE) Plaintiff's expert report, including any supplemental report, is to be served on opposing counsel and/or opposing party on or before 90 days prior to trial. Defendant's expert report is to be served on opposing counsel and/or opposing party on or before 60 days prior to trial.

4. *DISPOSITIVE MOTIONS*: All dispositive motions must be filed no later than 50 days prior to trial.

5. *EXTENSIONS*: Requests to extend any case management deadline must be submitted by filing a Petition for Extraordinary Relief and filed prior to the expiration of the deadline in question.

6. *CONTINUANCES*: All requests for continuances must be submitted in writing, with a copy to opposing party, and directed to the Honorable Joseph D. O'Keefe, Supervising Judge, Attention: Mary McGovern, via facsimile (215-563-1623) or U.S. Mail (12th Floor, Complex Litigation Center, Wanamaker Building, Philadelphia, Pa. 19107). However, said requests may be made only under unforeseen circumstances.

*By the Court*

JOHN W. HERRON,  
*Administrative Judge, Trial Division*

This Administrative Docket is promulgated in accordance with the April 11, 1987 Order of the Supreme Court of Pennsylvania, Eastern District, No. 55, Judicial Administration, Docket No. 1, Phila. Civ. \*51 and Pa.R.C.P. 239, and shall become effective immediately. As required by Pa.R.C.P. 239, the original Administrative Docket shall be filed with the Prothonotary in a docket maintained for Administrative Dockets issued by the Administrative Judge of the Trial Division and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil Procedural Rules Committee. Copies of the Administrative Docket shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District.

[Pa.B. Doc. No. 98-2059. Filed for public inspection December 18, 1998, 9:00 a.m.]

### PHILADELPHIA COUNTY

#### President Judge General Court Regulation No. 98-04

*Amendment to Philadelphia Rule of  
Civil Procedure No. 1303(a)*

#### Order

*And Now*, this 30th day of November, 1998, the Board of Judges of Philadelphia County having voted at the Board of Judges' Meeting held November 19, 1998 to amend existing Philadelphia Rule of Civil Procedure No. 1303(a), *It Is Hereby Ordered and Decreed* that the above referenced rule is amended as follows.

This General Court Regulation is promulgated in accordance with Phila. Civ.R. \*51 and Pa.R.C.P. 239 and shall become effective on January 1, 1999. As required by Pa.R.C.P. 239, the original Joint General Court Regulation shall be filed with the Prothonotary in a docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil Procedural Rules Committee. Copies of the

Regulation shall also be submitted to Legal Communications, Ltd., *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District.

ALEX BONAVIDACOLA,  
President Judge

*Proposed Amendment of Phila. R. Civ. P. No. \*1303 in  
accordance with Pa.R.C.P. No. 1303(a)(2).*

**Rule \*1303. Scheduling of Arbitration Hearings.  
Relistings. Consolidations.**

(a) Scheduling of Arbitration Hearings.

**(1) *Scheduling Upon Commencement of Action.*** All Arbitration summonses and complaints must be accompanied by a Civil Cover Sheet as required by Phila. Civ.R. No. \*205.2(a)(9). All Arbitration Summonses and Complaints must state in upper case on the upper, right-hand corner of the cover page "THIS IS AN ARBITRATION CASE. AN ASSESSMENT OF DAMAGES HEARING IS/IS NOT REQUIRED". The date, time and place of the Arbitration hearing shall be entered on the Civil Cover Sheet or initial pleadings, and all service copies[.], together with the following statement: "This matter will be heard by a board of arbitrators at the time, date and place specified but, if one or more parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge."

**(2) *Scheduling After Commencement of Action.*** In the event a case is scheduled for an Arbitration hearing after the commencement of the action, and the initial pleadings do not contain the statement authorized by Pa.R.C.P. No. 1303(a)(2), the case will nonetheless be subject thereto provided the Order or Notice scheduling such Arbitration hearing contains the following statement: "This matter will be heard by a board of arbitrators at the time, date and place specified but, if one or more parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge."

[Pa.B. Doc. No. 98-2060. Filed for public inspection December 18, 1998, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### LEHIGH COUNTY

**Probation/Parole Violation Arrest Warrant; 2297-M/98**

#### Order

*And Now*, this 19th day of November, 1998, *It Is Ordered* that the following Administrative Order is promulgated herewith, to become effective thirty (30) days after publication in the *Pennsylvania Bulletin*, that seven (7) certified copies shall be filed with the Administrative Office of the Pennsylvania Courts; that two (2) certified copies shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Criminal Procedural Rules Committee; and that one (1) copy shall be filed with the Clerk of Courts Office of the Court of Common Pleas of Lehigh County.

#### Administrative Order

*And Now*, this 19th day of November, 1998, in accordance with 42 Pa.C.S.A. § 9728(g) (relating to costs of the County Probation Departments), every person personally served with a probation/parole violation arrest warrant by Lehigh County Adult Probation Officers shall pay, in addition to any other costs, the following:

- (a) a service/arrest fee of thirty dollars (\$30.00);
- (b) a commitment fee in the sum of twenty dollars (\$20.00);
- (c) a docketing fee of nine dollars (\$9.00);
- (d) mileage at the federal mileage rate in effect at the time of service.

The Clerk of Courts, Criminal Division is directed to add these costs to the court costs otherwise incurred by the defendant.

THOMAS A. WALLITSCH,  
Administrative Judge

[Pa.B. Doc. No. 98-2061. Filed for public inspection December 18, 1998, 9:00 a.m.]



# RULES AND REGULATIONS

## Title 31—INSURANCE

### INSURANCE DEPARTMENT

#### [31 PA. CODE CH. 121]

#### Fees for Out-Of-State Companies

The Insurance Department (Department), by this order, amends Chapter 121 (relating to fees for out-of-State companies) by deleting §§ 121.1—121.4.

#### *Purpose*

The purpose of the rescission of Chapter 121 is to eliminate redundant and outdated regulations. Adopted in 1969, the regulations were prescribed to notify insurers domiciled in the Commonwealth of Massachusetts or the State of California of their filing fee responsibilities when making form and rate filings with the Department.

The regulations provide that when an insurer domiciled in California makes a form or rate filing with the Department, the filing transmittal letter is required to state the fee that the state of California would charge for a similar filing. When the form or rate is approved, the California domiciled insurer is to be billed by the Department for the stated filing fee. With respect to an insurer domiciled in Massachusetts, when the insurer makes a form or rate filing with the Department, the insurer is instructed by the regulation to include with the filing the fee that the Commonwealth of Massachusetts would charge for a similar filing.

In practice, insurers domiciled in California have been including filing fee checks with all form and rate filings made with the Department. Therefore, the Department no longer bills insurers as provided by Chapter 121.

In addition to the fact that the regulations are no longer consistent with current filing fee payment practices by California domiciled insurers, the regulation is unnecessary and duplicative for both California and Massachusetts domiciled insurers. Section 212 of The Insurance Department Act of 1921 (40 P. S. § 50) provides that if fees are imposed by a state on Commonwealth domiciled insurance companies doing business in that state, then like fees, including form and rate filing fees, shall be imposed on insurance companies domiciled in that state doing business in this Commonwealth. Therefore, because insurers domiciled in California or Massachusetts are required by section 212 to pay a form and rate filing fee to the Department as a retaliatory fee if the fees charged by those states for Commonwealth companies exceed the fees charged by the Commonwealth for companies from those other states, Chapter 121 is duplicative and unnecessary for the collection of form and rate filing fees.

#### *Statutory Authority*

This chapter is deleted under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412) and section 212 of The Insurance Department Act of 1921.

#### *Comments*

Notice of the proposed rulemaking was published at 28 Pa.B. 3805 (August 8, 1998) as a proposed rulemaking with a 30-day public comment period.

No comments were received from the Standing Committees, the Independent Regulatory Review Commission (IRRC) or the public.

#### *Fiscal Impact*

##### *State Government*

This rescission will not have an impact on State government.

##### *General Public*

This rescission is not expected to have a fiscal impact upon the general public.

##### *Political Subdivisions*

This rescission has no impact on costs to political subdivisions.

##### *Private Sector*

This rescission has no impact on costs to the private sector.

#### *Paperwork*

This rescission imposes no additional paperwork requirements on the Department.

#### *Persons Regulated*

The rescission will apply to insurers domiciled in California or Massachusetts and making form and rate filings with the Department but will not substantially affect these insurers because they must continue to comply with section 212 of The Insurance Department Act of 1921.

#### *Contact Person*

Questions or comments regarding the deletion may be addressed to Peter J. Salvatore, Regulatory Coordinator, Office of Special Projects, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 8, 1998, the Department submitted a copy of this rulemaking to IRRC and to the Chairpersons of the House Insurance Committee and the Senate Banking and Insurance Committee. In addition to the submitted rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." In compliance with section 5(c) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of the comments received. A copy of that material is available to the public upon request.

This rulemaking was deemed approved by the House Committee and by the Senate Committee on November 5, 1998, in accordance with section 5a(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)). IRRC met on November 19, 1998, and deemed approved the rulemaking in accordance with section 5a(e) of the Regulatory Review Act.

#### *Findings*

The Insurance Commissioner finds that:

(1) Public notice of intention to adopt this rulemaking as amended by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of this rulemaking in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

*Order*

The Insurance Commissioner, acting under the authorizing statutes, orders that:

(a) The regulations of the Insurance Department, 31 Pa. Code Chapter 121, are amended by deleting §§ 121.1—121.4 to read as set forth at 28 Pa.B. 3805.

(b) The Commissioner shall submit this order and 28 Pa.B. 3805 to the Office of General Counsel and Office of Attorney General for approval as to form and legality as required by law.

(c) The Commissioner shall certify this order and 28 Pa.B. 3805 and deposit them with the Legislative Reference Bureau as required by law.

(d) The rulemaking adopted by this order shall take effect upon publication in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 28 Pa.B. 5920 (December 5, 1998).)

**Fiscal Note:** Fiscal Note 11-172 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 98-2062. Filed for public inspection December 18, 1998, 9:00 a.m.]

# PROPOSED RULEMAKING

## FISH AND BOAT COMMISSION

[58 PA. CODE CH. 91]

### Boating

The Fish and Boat Commission (Commission) proposes to amend Chapter 91 (relating to general provisions). The Commission is publishing this amendment as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendment deals with boating.

#### A. Effective Date

This proposed amendment, if approved on final rulemaking, will go into effect on January 1, 2000.

#### B. Contact Person

For further information on the proposed change, contact John F. Simmons, Director, Bureau of Boating and Education, (717) 657-4538, or Laurie E. Shepler, Assistant Counsel, (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000. This proposal is available electronically through the Commission's Web site (<http://www.fish.state.pa.us>).

#### C. Statutory Authority

This proposed amendment is published under the statutory authority of section 5123 of the code (relating to general boating regulations).

#### D. Purpose and Background

The proposed amendment is designed to update, modify and improve Commission regulations pertaining to boating. The specific purpose of the proposed amendment is described in more detail under the summary of proposal. Prior to consideration by the Commission, the Commission's Boating Advisory Board reviewed the proposal and recommended that the Commission approve the publication of a notice of proposed rulemaking containing the amendment.

#### E. Summary of Proposal

*Section 91.4 (relating to age of operator).* The Commission proposes to amend this section so that a person 11 years of age or younger may not operate a motorboat propelled by a motor greater than 10 horsepower, regardless of whether a person 16 years of age or older is present onboard. Subsection (b) currently provides that a person 11 years of age or younger may not operate a personal watercraft (PWCs). The proposed amendment, if adopted, would make the regulations consistent. The proposed amendment also reflects a belief held by some that persons under 12 should not operate any motorboat greater than 10 horsepower (not just PWCs).

#### F. Paperwork

The proposed amendment will not increase paperwork and will create no new paperwork requirements.

#### G. Fiscal Impact

The proposed amendment will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed amendment will impose no new costs on the private sector or the general public.

#### H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendment to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically at "regulations@fish.state.pa.us." A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,  
*Executive Director*

**Fiscal Note:** 48A-87. No fiscal impact; (8) recommends adoption.

#### Annex A

#### TITLE 58. RECREATION

#### PART II. FISH AND BOAT COMMISSION

#### Subpart C. BOATING

#### CHAPTER 91. GENERAL PROVISIONS

#### § 91.4. Age of operator.

(a) The following age restrictions apply to the operation of a motorboat propelled by a motor greater than 10 horsepower (other than personal watercraft):

(1) A person 11 years of age or younger may not operate such a watercraft **[unless at least one person 16 years of age or older is present onboard]**.

\* \* \* \* \*

[Pa.B. Doc. No. 98-2063. Filed for public inspection December 18, 1998, 9:00 a.m.]

#### [58 PA. CODE CH. 111]

#### Boating

The Fish and Boat Commission (Commission) proposes to amend Chapter 111 (relating to special regulations counties). The Commission is publishing this amendment as a notice of proposed rulemaking under the authority of 30 Pa. C.S. (relating to Fish and Boat Code) (code). The proposed amendment deals with boating.

#### A. Effective Date

This proposed amendment, if approved on final rulemaking, will go into effect upon publication of an order adopting the amendment in the *Pennsylvania Bulletin*.

#### B. Contact Person

For further information on the proposed change, contact John F. Simmons, Director, Bureau of Boating and Education, (717) 657-4538, or Laurie E. Shepler, Assistant Counsel, (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000. This proposal is available electronically through the Commission's Web site (<http://www.fish.state.pa.us>).

### C. Statutory Authority

This proposed amendment is published under the statutory authority of section 5124 of the code (relating to particular areas of water).

### D. Purpose and Background

The proposed amendment is designed to update, modify and improve the Commission's special boating regulations at Lake Winola. The specific purpose of the proposed amendment is described in more detail under the summary of proposal. Prior to consideration by the Commission, the Commission's Boating Advisory Board reviewed the proposal and recommended that the Commission approve the publication of a notice of proposed rulemaking to seek public comment on the change.

### E. Summary of Proposal

*Section 111.66 (relating to Wyoming County).* The Commission has received a petition from an adhoc committee at Lake Winola requesting that the Commission adopt special boating regulations to ban, among other things, the use of motor boats on Sunday mornings. Lake Winola, a 185+/- acre lake, is located entirely in Overfield Township in Wyoming County. Wyoming County asserts ownership of all of the land that lies under the lake. Lake Winola is divided into two boating areas by a promontory of land. The lake is surrounded by numerous cottages, many of which have boats at docks or moorings. There is an active Cottagers Association. The Commission maintains an access area at the lake.

The subject of special boating regulations for Lake Winola was discussed in some detail at the last meeting of the Commission's Boating Advisory Board. The Board recommended the Commission initiate immediate regulatory action to address some of the concerns raised in the petition. Even though the petition is undergoing a more formal review process, the Commission is not foreclosed from seeking public comment on proposals as it deems appropriate. In this case, it appears that an informal practice of limiting use of motorboats on Lake Winola during a quiet period on Sunday mornings has been in effect for several summers. The Boating Advisory Board recommended that the Commission publish a notice of proposed rulemaking and seek public comment on an interim change for the 1999 boating season.

### F. Paperwork

The proposed amendment will not increase paperwork and will create no new paperwork requirements.

### G. Fiscal Impact

The proposed amendment will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed amendment will impose no new costs on the private sector or the general public.

### H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendment to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically at "regulations@fish.state.pa.us." A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgment of

electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,  
*Executive Director*

**Fiscal Note:** 48A-88. No fiscal impact; (8) recommends adoption.

## Annex A

### TITLE 58. RECREATION

### PART II. FISH AND BOAT COMMISSION

### Subpart C. BOATING

### CHAPTER 111. SPECIAL REGULATIONS COUNTIES

#### § 111.66. Wyoming County.

\* \* \* \*

#### (b) *Lake Winola.*

\* \* \* \*

(2) The speed of boats is limited to slow, minimum height swell speed from sunset to sunrise, **7 days a week, year-round, and from sunrise to 11 a.m. on Sundays from the day before Memorial Day until Labor Day.**

\* \* \* \*

[Pa.B. Doc. No. 98-2064. Filed for public inspection December 18, 1998, 9:00 a.m.]

## GAME COMMISSION

### [58 PA. CODE CH. 147]

### Deer Control Permit

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its October 6, 1998, meeting, proposed amendments to read as set forth in Annex A.

The proposed amendment to § 147.552 (relating to application) will allow applications for a deer depredation permit to be received from persons who have been enrolled in the Deer Damage Area Program or one of the Commission public access programs for at least two hunting seasons.

This proposed amendment will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposal is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposal was made public at the October 6, 1998, meeting of the Commission, and comments on this proposal can be sent to the Executive Director of the Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until December 31, 1998.

#### 1. Introduction

To more effectively manage the wildlife resources of this Commonwealth, the Commission at its October 6, 1998, meeting proposed changing § 147.552 to reduce the requirement of enrollment in the Deer Damage Area

Program for an agricultural deer control permit from at least 2 years to at least two hunting seasons. This change is proposed under authority contained in section 2901(b) of the code (relating to regulations for permits).

## 2. *Purpose and Authority*

For a person to qualify for an agricultural deer control permit, the area to be included must currently be enrolled in the Deer Damage Area Program for at least 2 years. After discussions with a number of agricultural and sportsmen groups, it has been determined that what is important from a deer control point of view is the number of hunting seasons a farm has been enrolled in the deer damage area program rather than the number of years of enrollment. The proposed change will accomplish this modification and somewhat reduce the requirement.

Section 2901(b) of the code authorizes the Commission to promulgate regulations for the issuance of any permit. This provides the authority for the proposed change.

## 3. *Regulatory Requirements*

The proposed change would relax an existing requirement.

## 4. *Persons Affected*

Only persons wishing to obtain an agricultural deer control permit would be affected by the proposed change.

## 5. *Cost and Paperwork Requirement*

The proposed change should not result in any additional cost or paperwork.

## 6. *Effective Date*

This change would be effective on final publication in the *Pennsylvania Bulletin* and would remain in effect until changed by the Commission.

## 7. *Contact Person*

For further information on the proposed change, contact James R. Fagan, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

DONALD C. MADL,  
*Executive Director*

**Fiscal Note:** 48-106. No fiscal impact; (8) recommends adoption.

## Annex A

### TITLE 58. RECREATION

### PART III. GAME COMMISSION

### CHAPTER 147. SPECIAL PERMITS

### Subchapter R. DEER CONTROL

### AGRICULTURE

### § 147.552. Application.

\* \* \* \* \*

(b) Applications will only be **[made available to]** **accepted from** persons who have been enrolled in the Deer Damage Area Program (Program) for at least 2 **[years prior to applying and are currently enrolled in the Program at the time of application]** hunting seasons immediately preceding their applications; or from persons who have been enrolled in one of the Commission public access programs (Farm Game Project or Safety Zone—P.1-2-3) for a minimum of 2 years and are currently enrolled in the Program.

\* \* \* \* \*

[Pa.B. Doc. No. 98-2065. Filed for public inspection December 18, 1998, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending December 8, 1998.

### BANKING INSTITUTIONS

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-2-98	U.S. Bank Johnstown Cambria County  Purchase of assets/assumption of liabilities of two branch offices of First Western Bank, N.A., New Castle, located at:  103 Tenth Street Barnesboro Cambria County	Johnstown       104 South Center Street Ebensburg Cambria County	Approved
12-3-98	Berks County Bank, Reading, and Heritage National Bank, Pottsville Surviving Institution— Berks County Bank, Reading, With a change in corporate title to "Main Street Bank"	Reading	Filed
12-4-98	First Capitol Bank, York, and Susquehanna Interim Bank, York Surviving Institution— First Capitol Bank, York  Subject merger will be effected to facilitate the acquisition of First Capitol Bank, York, by Susquehanna Bancshares, Inc., Lititz, a bank holding company.	York	Approved

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-2-98	Community State Bank of Orbisonia Orbisonia Huntington County	620 Main Street Saxton Bedford County	Approved
12-2-98	East Penn Bank Emmaus Lehigh County	1251 South Cedar Crest Boulevard Salisbury Township Lehigh County	Approved
12-2-98	FirstService Bank Lansdale Montgomery County	200 Radcliff Street Bristol Bucks County	Filed
12-2-98	Lafayette Ambassador Bank Easton Northampton County	Saucon Valley Square 3727 Route 378 Bethlehem Lower Saucon Township Northampton County	Opened
12-4-98	First Commonwealth Trust Company Indiana Indiana County	15 South Main Street Chambersburg Franklin County	Filed

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-4-98	First Commonwealth Trust Company Indiana Indiana County	111 South Main Street Greensburg Westmoreland County	Filed
12-8-98	Summit Bank Bethlehem Northampton County	301 West Lancaster Ave. Wayne Chester County	Filed

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-30-98	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	118 N. Wayne Ave. Wayne Delaware County	Effective
12-2-98	Fulton Bank Lancaster Lancaster County	38 East Roseville Rd. Lancaster Lancaster County	Approved
12-7-98	Patriot Bank Pottstown Montgomery County	Redner's Supermarket 703 S. West End Blvd. Quakertown Bucks County	Filed

**SAVINGS ASSOCIATIONS**

No activity.

**CREDIT UNIONS**

No activity.

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 98-2066. Filed for public inspection December 18, 1998, 9:00 a.m.]

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## DEPARTMENT OF BANKING

**Maximum Lawful Rate of Interest for Residential Mortgages for the Month of January 1999**

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of January, 1999, is 8%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. 96-221). Further preemption was instituted with the signing of Pub. L. 96-399, which overrode State interest rate limitations on an individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as his principal residence.

Each month the Department of Banking is required by State law to compute and announce the ceiling rate on residential mortgages in Pennsylvania. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 5.43 to which was added 2.50 percentage points for a total of 7.93 that by law is rounded off to the nearest quarter at 8%.

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 98-2067. Filed for public inspection December 18, 1998, 9:00 a.m.]

# DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

## Machinery and Equipment Loan Participation and Interest Rates

The Department of Community and Economic Development (Department) gives notice of the adoption of MELF participation and interest rates for loans approved by the Department. The rates are effective as of October 7, 1998, and will remain in effect until changed by a notice in the *Pennsylvania Bulletin*. The rates follow as Annex A.

The Department retains the right to waive or modify the rates, to the extent that such are not mandated by law, on a case by case basis for good cause shown.

Further information can be obtained from the Department of Community & Economic Development, Room 481, Forum Building, Harrisburg, PA 17120, (717) 787-6245.

SAMUEL A. MCCULLOUGH,  
*Secretary*

### Annex A

#### MELF

#### PARTICIPATION AND INTEREST RATES FOR COUNTIES AND MUNICIPALITIES\* OVER 25,000 POPULATION

Effective October 7, 1998 through June 1999

	<i>Maximum MELF Participation**</i>	<i>Interest Rate*** %</i>
ADAMS	50%	6.75
ALLEGHENY	50%	6.75
McKeesport City	50%	3.75
Pittsburgh City	50%	5.25
ARMSTRONG	50%	3.75
BEAVER	50%	5.25
BEDFORD	50%	3.75
BERKS	50%	6.75
Reading City	50%	5.25
BLAIR	50%	5.25
Altoona City	50%	5.25
BRADFORD	50%	5.25
BUCKS	50%	6.75
Bensalem Twp.	50%	5.25
Bristol Twp.	50%	5.25
BUTLER	50%	5.25
CAMBRIA	50%	3.75
CAMERON	50%	3.75
CARBON	50%	3.75
CENTRE	50%	6.75
CHESTER	50%	6.75
CLARION	50%	5.25
CLEARFIELD	50%	3.75
CLINTON	50%	3.75
COLUMBIA	50%	3.75

	<i>Maximum MELF Participation**</i>	<i>Interest Rate*** %</i>
CRAWFORD	50%	5.25
CUMBERLAND	50%	6.75
DAUPHIN	50%	6.75
Harrisburg	50%	5.25
DELAWARE	50%	6.75
Chester City	50%	3.75
ELK	50%	5.25
ERIE	50%	5.25
Erie City	50%	3.75
FAYETTE	50%	3.75
FOREST	50%	3.75
FRANKLIN	50%	5.25
FULTON	50%	3.75
GREENE	50%	3.75
HUNTINGDON	50%	3.75
INDIANA	50%	3.75
JEFFERSON	50%	3.75
JUNIATA	50%	3.75
LACKAWANNA	50%	3.75
LANCASTER	50%	6.75
Lancaster City	50%	5.25
LAWRENCE	50%	5.25
New Castle City	50%	3.75
LEBANON	50%	6.75
Lebanon City	50%	6.75
LEHIGH	50%	6.75
Allentown City	50%	5.25
Bethlehem City	50%	5.25
LUZERNE	50%	3.75
Wilkes-Barre City	50%	3.75
LYCOMING	50%	5.25
Williamsport City	50%	3.75
McKEAN	50%	5.25
MERCER	50%	5.25
MIFFLIN	50%	3.75
MONROE	50%	3.75
MONTGOMERY	50%	6.75
Norristown Boro	50%	5.25
Upper Dublin Twp.	50%	6.75
MONTOUR	50%	6.75
NORTHAMPTON	50%	5.25
NORTHUMBERLAND	50%	3.75
PERRY	50%	6.75
PHILADELPHIA	50%	3.75
PIKE	50%	5.25
POTTER	50%	3.75
SCHUYLKILL	50%	3.75
SNYDER	50%	5.25
SOMERSET	50%	3.75



	<i>Maximum MELF Participation**</i>	<i>Interest Rate*** %</i>
SULLIVAN	50%	3.75
SUSQUEHANNA	50%	3.75
TIOGA	50%	3.75
UNION	50%	6.75
VENANGO	50%	3.75
WARREN	50%	5.25
WASHINGTON	50%	5.25
WAYNE	50%	3.75
WESTMORELAND	50%	5.25
WYOMING	50%	3.75
YORK	50%	6.75
York City	50%	3.75

\* Municipalities are listed only if MELF rate differs from County rate.

\*\* Maximum participation; MELF loans are \$500,000 or 50% of eligible project costs, whichever is less.

\*\*\* Based on calendar year 1997 unemployment rate. Subject to change at discretion of DCED.

*Special Note:* Projects located in designated enterprise zones, planning stage enterprise zones, financially distressed municipalities under Act 47, Federal empowerment zones, Federal enterprise communities, Keystone Opportunity Zones and brownfields will receive loans at 3.75%. Companies designated as advanced tech firms will receive an interest rate of 4.25% or 3.75% depending on the location of the project (for example, if area rate is 5.25% or 6.75%, the interest rate will be 4.25%).

10% company equity injection required for all projects

*Financially Distressed Municipalities Under Act 47\**

Aliquippa City	Franklin Borough
Beaver County	Cambria County
Braddock Borough	Homestead Borough
Allegheny County	Allegheny County
Chester City	Johnstown City
Delaware County	Cambria County
Clairton City	Millbourne Borough
Allegheny County	Delaware County
Duquesne City	North Braddock Borough
Allegheny County	Allegheny County
East Pittsburgh Borough	Rankin Borough
Allegheny County	Allegheny County
Farrell City	Scranton City
Mercer County	Lackawanna County
	Wilkesburg Borough
	Allegheny County

*Federal Empowerment Zones\**

Portions of Pittsburgh and Philadelphia

*Federal Enterprise Communities\**

Portions of Harrisburg, Dauphin County

Portions of Lock Haven, Clinton County

\*Eligible for 3.75% Interest Rate

[Pa.B. Doc. No. 98-2068. Filed for public inspection December 18, 1998, 9:00 a.m.]

**1999-2000 State Plan**

By this notice, the Department of Community and Economic Development hereby publishes its Community Services Block Grant State Plan to the Department of Health and Human Services for the 1999-2000 program year.

Comments will be received at a public hearing to be held at 10 a.m., Tuesday, December 29, 1998, in Room 321 of the Forum Building, Commonwealth Avenue and Walnut Street, Harrisburg, PA 17120.

Written comments may be submitted to Dennis Darling, Director of the Community Empowerment Office, Department of Community and Economic Development, Room 352 Forum Building, Harrisburg, PA 17120, until 5 p.m. on December 29, 1998.

Persons with a disability who would like to attend this hearing and require an auxiliary aid, service or other accommodations to participate in the proceedings, should contact Dennis Darling at (717) 787-1984 to discuss how the Department of Community and Economic Development may accommodate their needs.

Copies of the State Plan are available in the Community Empowerment Office, Room 352 Forum Building, Harrisburg, PA 17120 or by calling (717) 787-1984.

SAMUEL A. MCCULLOUGH,  
*Secretary*

*Legislative Background and Purpose*

The Community Services Block Grant (CSBG) is a Federal block grant program administered by the United States Department of Health and Human Services, Administration for Children and Family, Office of Community Services. Created by the Omnibus Budget Reconciliation Act of 1981, the CSBG replaced eight Federal categorical programs originally authorized by the Economic Opportunity Act of 1964.

The Commonwealth of Pennsylvania accepted the CSBG for the purpose of providing a full range of services and activities having a measurable and potentially major impact on the causes of poverty in a community or those areas of a community where poverty is a particularly acute problem.

Recognizing the importance of a commitment by the state, the Pennsylvania General Assembly, as a matter of public policy, affirmed the commitment of the Commonwealth to eliminating the causes and effects of poverty by enacting and subsequently amending the Community Services Act of July 10, 1986 (P. L. 1263, No. 116) (Act). The Act is also intended to stimulate a better focusing of human and financial resources on the goal of eliminating poverty by providing for the continuity of programs which presently exist throughout the Commonwealth for this purpose, and delineates the activities for which the Federal funds can be used.

*Report on 1997 Goals and Objectives*

**A. Introduction**

The Department of Community and Economic Development (DCED) has continued to emphasize outcome based management and Results Oriented Management and Accountability (ROMA) to its Community Action Agencies. During the 1997 program year, the Pennsylvania ROMA Task Force developed a new reporting document based on the six National goals and outcome measures. The Task Force selected all six National goals and two to five outcome measures for each goal. In addition, the report collects the number of people served at or below 125% of poverty and the number of people served above 125% of poverty for each of the ten service categories in the NASCSP Information Survey and the demographics that are required in the Survey. This reporting system was implemented July 1, 1998.

DCED also continued its efforts to have Community Action Agencies increase the provision of comprehensive family development/case management services so that families served have a greater opportunity to achieve self-sufficiency. During the 1997 program year, family development/case management services remained a top Statewide priority. We also continued to administer our case management demonstration project which was initiated during 1994 program year. An independent evaluation of the demonstration project indicated that as of June 30, 1998 the four agencies involved in the project had:

- leveraged additional funds for the project;
- identified and enrolled 597 families with multiple barriers such as long term dependence on subsidized programs, enrolled in public welfare and having a limited education or work history;
- obtained 116 part-time jobs and 167 full time jobs for 412 enrollees who were not employed at the time of enrollment.
- raised incomes of the families enrolled an average of 59%.
- extended case management to clients outside the original target population;
- expanded the Community Action Agency's budget for case management services; and
- expanded the Community Action Agency's capacity to measure outcomes for their self sufficiency activities, and have developed standardized process, and use standardized assessment and measurement tools

For the 1997 program year, other Statewide priorities included increased agency participation at higher levels in outcome based management, participation in Pennsylvania's Welfare Reform, business development and customized job training and the development of Community Development Financial Institutions. During the 1997 program year, DCED (through a subcontract with the CAP Directors Association), also provided training to all community action agencies concerning the utilization of outcome based objectives, and Results Oriented Management and Accountability (ROMA).

**B. Progress on 1997 Program Objectives**

Agencies submitted quarterly program progress reports for each category of service provided. For the purpose of this plan, the total number of persons served for the 12-month period from July 1, 1997 to June 30, 1998, is the unduplicated count of persons served in each service

category. The number of persons served was determined by reviewing the quarterly reports submitted by each agency.

The following is the status of the objectives as listed in the 1997 State Plan.

*Objective 1:*

To increase agency participation, at higher levels, in Outcome Based Management, (OMB) that is, to increase the number of agencies at the basic and intermediate levels of progress in transition to ROMA.

*Results:*

The Department of Community and Economic Development through a subcontract with the Community Action Association of Pennsylvania, provided a range of training and technical assistance services to the Community Action Agencies (CAAs) during the 1997 program year. CAAs were surveyed twice. One survey sought to determine the common needs and interest for classroom or group training activities and another survey assessed the needs that were unique to individual agencies. Training was provided either as singular events in regional locations or as workshops at Statewide conferences. A major emphasis was to develop and provide a progressive curriculum of instruction in ROMA. This was followed up with on site technical assistance tailored to the unique needs of the agency. Two hundred and four individuals received ROMA training. The following is an agency outcome assessment matrix for 40 agencies for the past 2 years.

	<i>Ranking From 1996 Assessment Process</i>	<i>Ranking From 1997 Assessment Process</i>
Advanced	0	0
Intermediate	2 Agencies, 5%	6 Agencies, 15%
Basic	16 Agencies, 42%	26 Agencies 64%
Elementary	19 Agencies, 50%	7 Agencies, 17%
Baseline	1 Agency, 3%	1 Agency, 3%

*Objective 2:*

To actively encourage CAA participation in Pennsylvania Welfare Reform. This will occur with the CAAs involvement in a joint Department of Public Welfare/ Department of Community and Economic Development Welfare reform initiative, the Supported Work Program. The objective of this partnership is to facilitate the quick transition into the workforce of 1,000 TANF recipients who have a ninth grade education or less or who have failed at an initial job search.

*Results:*

Through the Supported Work Program, 2,439 TANF recipients were enrolled during the program year and approximately 932 were placed into unsubsidized employment of at least 20 hours a week.

The Department of Public Welfare (DPW) receives all of the reports and tabulates enrollment and placement information. The enrollment total is accurate but DPW has not yet finalized the placement data for 1998. The above number of placements was determined based on the percentage of enrollments/placements for the previous year.

*Objective 3:*

To finalize the four case management demonstration projects, initiate a final evaluation and explore considerations for Statewide implementation.

*Results:*

Since the beginning of the project in 1994, 597 unduplicated families received intensive case management services from the four demonstration agencies. Sixty-nine percent of all families at time of entry into the program were receiving cash assistance, food stamps or medical assistance benefits and 23% were employed either part-time or full-time.

During the 4 years of the program, 116 families found part-time jobs and 167 families obtained full-time jobs. Also, 70 families obtained unsubsidized housing, 13 acquired home ownership, 152 acquired a vehicle, 18 received a GED and 111 received a 2 year or 4 year college degree or certification.

*Objective 4:*

To encourage a closer linkage of CAAs to business development and to customized job training.

*Results:*

Discussions are underway to link the Community Action Development Commission's (Montgomery County) Supported Work Program to a new economic development project being negotiated there. It is expected that this will serve as a model for more efforts.

*Objective 5:*

To incorporate involvement of CAAs in CDFI (Community Development Financial Institutions) proposals and projects.

*Results:*

The Community Action Committee of the Lehigh Valley has been awarded a \$25,000 grant to develop and expand its community based credit union.

*Objective 6:*

To assure compliance with all Federal and State regulations and directives through Statewide monitoring activities.

In compliance with Pennsylvania Act 116 (as amended), monitoring procedures shall be established by the Pennsylvania DCED and included in the State Plan. DCED shall monitor CSBG grantees to assure compliance with all contractual objectives and to assess the effectiveness of local agencies in meeting their stated objectives for ameliorating the causes and effects of poverty in their service areas.

In their monitoring of grantees, State monitors use a standardized CSBG Monitoring Report Form. During their visit, they review all of the agency's required quarterly reports as well as other administrative and program related aspects of the agency.

*Results:*

For the 1997 program year, 33 Community Action Agencies were monitored all findings, if any, were corrected. The monitoring covered a variety of agencies: large, small, urban and rural.

*Services Provided*

The following figures provide, by category of service, the number of unduplicated persons served by CSBG

grantee agencies during the 1997-98 program year. The number of persons served was derived by reviewing and tabulating each grantee's quarterly reports.

	<i>Direct Service</i>	<i>Other</i>
Education	11,721	3,709
Drug and Alcohol	374	7,931
Consumer Services	18,183	661
Youth Development	3,742	819
Health	1,468	2,532
Housing	19,484	9,137
Homemaker	598	592
Legal	489	1,526
Nutrition	34,872	252,327
Outreach and Referral	132,581	15,076
Recreation	2,204	770
Transportation	3,379	5,573
Weatherization/Energy	42,697	25,209
Community Organizing	10,328	0
Employment and Training	3,888	2,970
Case Management	12,712	6,238
Economic Development	99	30
	<u>298,819</u>	<u>335,100</u>

*Program Plan for 1999**1. Statement of Goals and Objectives*

The 1999 CSBG Program will comply with all the requirements of Act 116 the Pennsylvania Community Services Act of 1986 (as amended). The intent of Act 116 (as amended) is to affirm the commitment of the Commonwealth to ameliorating the causes and effects of poverty.

The goal of the CSBG Program is to provide a range of services and activities having a measurable and potentially major impact on the causes of poverty in the community or those areas of the community where poverty is a particularly acute problem. The Commonwealth, whenever possible and appropriate, encourages the use of CSBG funds to increase the availability of low-cost housing and to promote economic development, employment and training initiatives and education programs to upgrade literacy skills that will lead to the economic self-sufficiency of low-income individuals and the chronically unemployed, including among others, Temporary Assistance to Needy Families (TANF) and General Assistance (GA) recipients. To meet these goals, Statewide priorities were established under the direction of the Pennsylvania Act 116 of 1986 (as amended). Decisions regarding which of the State priorities and qualified services shall be provided by CSBG eligible entities shall be established by the local agency. Beginning with State fiscal year 1998-99, each local agency submitted a 2 year application to the Department for review to ensure the eligibility of proposed services under the provision of Federal law and regulations and consistency with Statewide priorities. They then received a 2 year contract. For the 1999-2000 fiscal year, agencies will submit a new budget and any revisions that are necessary. Their contract will then be amended. This will allow agencies to receive their funds much faster than previously.

The following are the goals and objectives for the 1999 program:

*Objective 1:*

To increase agency participation, at higher levels, in Outcome Based Management (OBM), that is, to increase the number of agencies at the basic and intermediate levels of progress in transition to OBM. Included in this

objective is the implementation of a data collection system that requires the Community Action Agencies to provide data on designated outcome measures for each of the six National goals. To accomplish this, DCED, through a contract with the State CAP Association, provides on-going training to the CAAs in the area of basic and intermediate levels of OBM, and is developing scales to measure their improvement.

*Objective 2:*

To implement a ROMA Reporting document to be used by all CAAs that reports progress on the six National goals. Working in conjunction with the State CAP Association and the Office of Community Services, it is projected that 60% of the CAAs will develop scales for measuring outcomes during 1999.

*Objective 3:*

To continue and expand CAA participation in Pennsylvania's Welfare Reform activities. CAAs will continue to participate in a joint Department of Public Welfare/Department of Community and Economic Development Welfare Reform initiative, the Supported Work Program. The objective of this partnership is to facilitate the quick transition into the workforce of at least 1,300 TANF recipients.

*Objective 4:*

To continue CAA participation in case management programs utilizing a holistic approach to move low-income families and individuals toward self-sufficiency.

*Objective 5:*

To build upon and increase CAA participation in Pennsylvania's Individual Development Account (IDA)/Family Savings Account Program.

*Objective 6:*

To increase CAA involvement in comprehensive community building programs and projects such as Pennsylvania's Comprehensive Services Program.

*Objective 7:*

To ensure compliance with all State and Federal regulations and directives through Statewide monitoring activities. Approximately 22 (50%) will be monitored on site during 1999.

Monitoring procedures shall include:

1. A review by the Department staff of the ROMA data collection document and/or any other monitoring documents utilized by the State that each agency will complete at least twice a year. The ROMA Collection document requires all CAAs to report on designated outcome measures for each of the six National goals.

Following the review, agencies are contacted by telephone and/or letter, as appropriate, for a discussion of the report.

2. An onsite monitoring visit which shall be determined after consultation with the agency by regional or central office staff, as appropriate. Onsite visits shall be conducted for the following purposes:

- to ensure programmatic and contractual compliance through the review of agency records and interviews with agency personnel, board members and clients.
- to clarify discrepancies that cannot be resolved from the program report review.
- to follow-up on program and personnel complaints, made directly or indirectly; and

- to comply with an agency's request for an onsite visit.

Procedures following the onsite visit:

1. A report of the onsite visit shall be given to the agency during the exit interview. It shall identify strengths and weaknesses of the program and any required remedial actions.

The agency may request a conference with DCED's Community Empowerment Office (CEO) to discuss the report and/or the Office may request a conference with the agency to discuss the report and provide technical assistance.

- 2) In the case of violations or discrepancies of Federal and State laws governing CSBG programs discovered through the Department's monitoring and auditing activities, the agency shall be notified of the violation or discrepancy immediately. The agency shall respond in writing to the notice of violation or discrepancy within 2 weeks of receipt of such notice.

**Agency Noncompliance**—Noncompliance may result in probation until compliance is attained. Probationary status may include intensified monitoring, increased reporting requirements, provision of technical assistance by the Department or its designee or temporary suspension of grant payments.

**Agency Violation**—A violation with willful disregard of Federal and State laws governing CSBG programs may result in suspension of grant payments for a designated period of time. The agency will be required to rectify the violation and re-establish itself as competent to carry out the responsibilities governing CSBG programs, as determined by the Department of Community and Economic Development (DCED).

Termination for cause:

"Termination for cause" shall result when the Commonwealth determines that the agency has failed to comply with the conditions of the contract and/or Federal and State laws governing CSBG programs.

When the Department proposes to terminate a CSBG program, it will notify the agency, in writing, of the action(s) to be taken, the reasons for such action(s), and the appeals procedure, including an opportunity for a hearing on the record. This notice shall be forwarded to the agency by certified mail.

*Appeal Procedure:*

If the agency wishes to appeal the determination, it must submit a written request by certified mail to the Secretary of DCED addressing the reasons for the proposed termination, and any corrective action that has been or will be taken.

This request must be made within 20 calendar days of receipt of the termination notice.

The appeal may also include a request by the agency that the secretary, or his/her designee, hold a public hearing before making a decision, in which case such a public hearing shall be held.

The Secretary shall make one of the following decisions on the agency's appeal, and shall so notify the agency of such decision in writing within 30 calendar days following the appeal or following a hearing on the appeal:

- The Secretary may uphold the appeal and remove the notice of intent to terminate.
- The Secretary may remove the notice of intent to terminate but provide the agency with notice of specific corrective actions that must be taken.

If the agency subsequently fails to take such corrective actions, the Secretary may reinstate the proposed termination procedures.

- The Secretary may deny the appeal, in which case the agency shall be notified of the effective date of termination. This date shall be either the date contained in the original notice of intent to terminate or a specified date at least 30 days after the Secretary sends the decision, whichever is later. The notice of the decision shall also contain all requirements pertaining to termination of CSBG related activities and return of CSBG funds.

The agency may appeal the Department's final determination to the Secretary of the United States Department of Health and Human Services in accordance with the Community Services Block Grant Act, Section 676 A (amended).

No community action agency or migrant and seasonal farm worker organization which received funding in the previous fiscal year will have its present or future funding terminated or reduced below the proportional share of funding it received in the previous fiscal year unless, after notice and opportunity for hearing on the record, the Department determines that cause exists for the termination and the review and confirmation of the Department's finding of cause by the Secretary of the United States Department of Health and Human Services.

When an agency's contract is terminated for cause, the agency shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Department shall allow full credit to the grantee for any completed work that the Department deems satisfactory.

## II. Activities

Activities eligible for funding consideration out of the 90% grant monies, allocated to CAAs/LPAs designated as eligible entities in the CSBG Act, are those designed to assist chronically unemployed, low-income participants, including the elderly and poor:

- 1) To secure and retain employment, especially unsubsidized employment in the private sector;
- 2) To obtain an adequate education, through education initiatives and referrals that will enable low-income, chronically unemployed individuals to participate in job training programs which can include locally initiated Private Industry Council or JTPA Service Delivery Area sponsored job training programs;
- 3) To make better use of available income;
- 4) To remove obstacles and solve problems which block the achievement of self-sufficiency through the provision of support services to individuals participating in employment and training programs;
- 5) To obtain and maintain adequate housing and a suitable living environment;
- 6) To obtain emergency assistance through loans and grants to meet immediate and urgent individual and family needs, including the need for health services, nutritious food, housing and employment related assistance;
- 7) To achieve greater participation in the affairs of the community. However, in accordance with Section 675(c)(7) of the CSBG Act, any activities to provide voters and prospective voters with transportation to the polls or provide similar assistance in connection with an election or any voter registration activity is prohibited;

- 8) To make more efficient use of other programs related to the purposes of the CSBG and activities that: a) encourage the use of entities in the private sector of the community in efforts to ameliorate poverty in the community, and b) provide, on an emergency basis, for the provision of such supplies and services, nutritious food, and related services as may be necessary to counteract the conditions of starvation and malnutrition among the poor;

- 9) To coordinate and establish linkages among governmental employment and training agencies, educational institutions and other social service programs to assure the effective delivery of such services to low-income individuals.

Programs selected by eligible entities must relate to the problems identified and documented in the assessment of need of local service areas and included in the agency's annual application. The assessment of need shall be well defined and concisely stated, focusing on the causes of poverty and services to the number of low-income, chronically unemployed and economically disadvantaged, including the number of Temporary Assistance for Needy Families (TANF) and General Assistance (GA) recipients.

Special economic development projects, and unique programs that are consistent with the objectives of the CSBG Act may be funded from the 5% unrestricted funds included in the grant awarded to the Commonwealth.

## Limit on the Use of Grants for Construction

CSBG grants may not be used by the Department or any agency with which the Department makes arrangements to carry out the purposes of the CSBG Act, for the purchase or improvement (other than low-cost residential weatherization or other energy-related home repairs) of any building or other facility without a written waiver from the United States Department of Health and Human Services, Office of Community Services.

## III. Geographic Areas to be Served

During Fiscal Year 1998, the State will allocate 90% funds to those geographic areas served by designated CAAs, LPAs, and other eligible entities. This area covers all of Pennsylvania's 67 counties.

## IV. Individuals to be Served

Participation in any CSBG program will be limited to persons whose income in relation to family size does not exceed 125% of the official poverty level established by the Federal Office of Management and Budget. Included in this category will be elderly poor, migrant and seasonal farm workers, Head-Start families, and the chronically unemployed such as TANF and GA recipients.

## V. Conditions and Assurances

*Community Services Block Grant Statutory Assurances—As Amended by P. L. 103-252, Human Services Amendments of 1994.*

The Commonwealth agrees to:

- (1) Ensure that, at its discretion and consistent with agreements with the State, each recipient of funds available under this subtitle will use such funds:

- (A) To provide a range of services and activities having a measurable and potentially major impact on causes of poverty in the community

- (B) To provide activities designed to assist low-income participants, including homeless individuals and families, migrants, and the elderly poor—

- (i) to secure and retain meaningful employment;
- (ii) to attain an adequate education;
- (iii) to make better use of available income;
- (iv) to obtain and maintain adequate housing and a suitable living environment;
- (v) to obtain emergency assistance through loans or grants to meet immediate and urgent individual and family needs, including the need for health services, nutritious food, housing, and employment-related assistance.
- (vi) to remove obstacles and solve problems which block the achievement of self-sufficiency;
- (vii) to achieve greater participation in the affairs of the community; and
- (viii) to make more effective use of other programs related to the purposes of this subtitle;

(C) To provide on an emergency basis for the provision of such supplies and services, nutritious foodstuffs, and related services, as may be necessary to counteract conditions of starvation and malnutrition among the poor;

(D) To coordinate and establish linkages between governmental and other social services programs to assure the effective delivery of such services to low-income individuals; and

(E) To encourage the use of entities in the private sector of the community in efforts to ameliorate poverty in the community; (675(c)(1)(A)-(E))

#### *Implementation Plan for Assurance # 1*

For Pennsylvania's 1998-99 program year, the Community Empowerment Office required local subgrantee agencies to submit applications for 2 years that address one or more of the above-referenced purposes, based on a local needs assessment. Budgets are submitted for 1 year. The applications are incorporated into legally binding contracts. Budgets for the second year of the contract will be submitted and the contract will be amended. About 50% of the contracts are monitored on a regular basis throughout the year to ensure agencies are in compliance. As can be seen from past year's objectives, as well as the Services Provided section, agencies are providing a full range of services designed to positively impact the lives of the low-income.

(2)(A) "... to use not less than 90 percent of the funds allotted to the State under Section 674 to make grants for the purposes described in clause (1) to eligible entities (as defined in Section 673(1)) or to organizations serving seasonal or migrant farm workers; except that not more than seven (7) percent of the funds available for this subclause shall be granted to organizations which were not eligible entities during the previous fiscal year". (675(c)(2)(A))

(B) if less than 100% of the allotment is expended under subparagraph (A), provide assurances that with respect to the remainder of the allotment a reasonable amount shall be used for—

- (i) providing training and technical assistance to those entities in need of assistance and the activities will be considered administrative expenses;
- (ii) coordinating State-operated programs and services targeted to low-income children and families with services provided by eligible entities funded under this subtitle, including out-posting appropriate State or local public

employees into entities funded under this subtitle to ensure increased access to services provided by such State or local agencies;

(iii) supporting Statewide coordination and communication among eligible entities;

(iv) administrative expenses at the State level, including monitoring activities, but not more than 5% of its allotment under section 674; and

(v) considering the distribution of funds under this subtitle within the State to determine if such funds have been targeted to the areas of greatest need. (675(c)(2)(B))

#### *Implementation Plan for Assurance # 2*

During Fiscal Year 1999, the 90% grant monies under the CSBG will go to CAAs and other eligible entities. These monies will be used to fund on-going programs in a CAA/LPA service area based on needs identified at the local level and the State priorities outlined in this plan. Ninety percent monies will also be made available for Rural Opportunities Inc., which serves low-income farm workers and poor rural families in Pennsylvania.

The program year 1999 allocation for eligible entities will be based on a formula comprised of two factors: the number of persons with incomes below 125% of poverty level in each service area (from 1990 U.S. Census data), on which 75% of the allocation will be based; and the number of unemployed persons in each service area (Pennsylvania Office of Employment Security, Pennsylvania Civilian Labor Force Data by County of Residence, 1997 Annual Average) on which 25% of the allocation will be based. All agencies receive a minimum base level allocation.

Funds up to the amount of 5% of the State allocation will be utilized for state administration. Funds in the amount of 5% of the Fiscal Year 1999 CSBG funding, and any otherwise available monies not used for Departmental program administration, will be used to augment funding to eligible entities and to support special projects or unique programs that are consistent with the objectives of the CSBG Act (discretionary funds). The Department may solicit applications for these funds, but will consider unsolicited requests. Decisions as to the funding of these applications will be made under the direction of the Secretary of the Department of Community and Economic Development (DCED).

#### *3) Provide Assurances that—*

(A) in the case of a Community Action Agency or nonprofit private organization, each board will be selected by the Community Action Agency or nonprofit organization and constituted so as to assure that—

(i) one-third of the members of the board are elected public officials, currently holding office, or their representatives, except that if the number of elected officials reasonably available and willing to serve is less than one-third of the membership of the board, membership on the board of appointive public officials may be counted in meeting such one-third requirement.

(ii) at least one-third of the members are persons chosen in accordance with democratic selection procedures adequate to assure that they are representative of the poor in the area served; and

(iii) the remainder of the members are officials or members of business, industry, labor, religious, welfare, education, or other major groups and interests in the community; and

(B) in the case of a public organization receiving funds under this subtitle, such organization either establish—

(i) a board of which at least one-third of the members are persons chosen in accordance with democratic selection procedures adequate to assure that they are representatives of the poor in the area served; or

another mechanism specified by the State to assure low-income citizen participation in the planning, administration, and evaluation of projects for which such organization has been funded. (675(c)(3))

#### *Implementation Plan for Assurance #3*

Included with the submission of subgrantee applications is a breakout of the composition of the board, which is reviewed for compliance. Many agencies also include an updated list of board members. Additionally, as part of the monitoring process, board composition is reviewed. The Community Empowerment Office has two directives (directives are designed to provide additional guidance to subgrantees on a particular subject, and included in the contracts by reference) related to board composition: CSBG Directive 91-2: Administrative Procedures for CSBG Grants; and CSBG Directive 93-4: CSBG Advisory Committees (for subgrantees that are units of local governments).

(4) Give special consideration in the designation of local Community Action Agencies under this subtitle to any Community Action Agency which is receiving funds under any Federal anti-poverty program on the date of the enactment of this Act, except that—

(A) the State shall, before giving such special consideration, determine that the Agency involved meets program and fiscal requirements established by the State; and

(B) if there is no such Agency because of any change in the assistance furnished to programs for economically disadvantaged persons, the State shall give special consideration in the designation of Community Action Agencies to any successor agency which is operated in substantially the same manner as the predecessor agency which did receive funds in the fiscal year proceeding the fiscal year for which the determination is made. (675(c)(4))

#### *Implementation Plan for Assurance #4*

The Commonwealth of Pennsylvania will give special consideration to all community action agencies and limited purpose agencies which received Federal anti-poverty funds on the date of the enactment of the CSBG Act and its predecessor Act.

(5) Provide assurances that the State may transfer funds, but not to exceed 5% of its allotment under Section 674, for the provisions set forth in this subtitle to services under the Older Americans Act of 1965, the Head Start program under Subchapter B of Chapter 8 of Subtitle A of this title, the Energy Crisis Intervention Program under Title XXVI of this Act (relating to low-income home energy assistance) or the Temporary Emergency Food Assistance Act of 1983. (675(c)(5))

#### *Implementation Plan for Assurance #5*

The Commonwealth of Pennsylvania does not plan to transfer any CSBG monies to any other eligible program.

(6) Section 675(c)(6) is no longer applicable. It was repealed by the Hatch Act Reform Amendments of 1993, P. L. 103.94.

(7) Prohibit any activities to provide voters and prospective voters with transportation to the polls or provide

similar assistance in connection with an election or any voter registration activity. (675(c)(7))

#### *Implementation Plan for Assurance #7*

Article V, Section A of the standard contract with subgrantee agencies prohibits such activities.

(8) Provide for coordination between antipoverty programs in each community, where appropriate, with emergency crisis intervention programs under Title XXVI of this Act (relating to low-income home energy assistance) conducted in such community. (675(c)(8))

The Community Empowerment Office actively encourages the coordination of various programs at the local level. Additionally, as state administrators of the Weatherization Assistance Program, which half the CAA's administer locally, the CEO instituted the Crisis Intervention Project in conjunction with the Department of Public Welfare, (which administers the LIHEAP) to serve LIHEAP eligible persons in crisis emergency situations by providing utility and fuel assistance. The CEO will also coordinate its anti-poverty efforts by participating on the LIHEAP Advisory Committee.

(9) Provide that fiscal control and fund accounting procedures will be established as may be necessary to assure the proper disbursement of and accounting for Federal funds paid to the State under this subtitle, *including procedures for monitoring and assistance provided under this subtitle* and provide that at least every year each State shall prepare, in accordance with subsection (f), an audit of its expenditures of amounts received under this subtitle and amounts transferred to carry out the purposes of this subtitle; subsection (f) requires that at least annually each State, local government and Indian Tribe or tribal organization that receives \$100,000 or more (during the fiscal year) *in all types of Federal financial assistance* must conduct an audit in accordance with the Single Audit Act, Public Law 98-502 (31 U.S.C. 75 and OMB Circular A-128. (675(c)(9)).

#### *Implementation Plan for Assurance #9*

As part of the monitoring procedures, a fiscal review is conducted, though not an extensive one. The Commonwealth requires audit reports as compliance with the provisions of the Single Audit Act of 1984 (P. L. 98-502) and the State's Budget and Accounting Act of 1921, as amended, and OMB Circular A-133. The Commonwealth's Auditor General's Office annually audits the Department of Community and Economic Development in compliance with the Single Audit Act, and the audit is submitted to the Commonwealth's Federal cognizant agency, the Department of Agriculture. Audits are based on the State fiscal year July 1 to June 30.

(10) Permit and cooperate with Federal investigations undertaken in accordance with Section 679 and (675(c)(10)).

#### *Implementation Plan for Assurance #10*

The Commonwealth will comply with any and all Federal investigations undertaken in accordance with the above-referenced section.

(11) Provide assurances that any community action agency or migrant and seasonal farm workers organization which received funding in the previous fiscal year under this Act will not have its present or future funding terminated under this Act or reduced below the proportional share of funding it received in the previous fiscal year unless after notice, and opportunity for hearing on the record, the State determines that cause existed for

such termination or such reduction subject to review by the Secretary as provided in Section 676 A.

(A) For purposes of making a determination with respect to a funding reduction, the term "cause" includes:

(i) a Statewide redistribution of funds under this subtitle to respond to:

(aa) the results of the most recently available census or other appropriate data;

(bb) the establishment of a new eligible entity;

(cc) severe economic dislocation; and

(ii) the failure of an eligible entity to comply with the terms of its agreement to provide services under this subtitle, and

(B) for purposes of making a determination with respect to a termination, the term "cause" includes the material failure of an eligible entity to comply with the terms of its agreement and community action plan to provide services under this subtitle. (675(c)(11))

#### *Implementation Plan for Assurance #11*

In order to ensure that assurance #11 is complied with, Pennsylvania Act 116 (as amended) provides much the same language as the Federal assurance, that is,

Pennsylvania Act 116 (amended) provides that:

"As established by the formula . . . determination of annual funding levels shall be made by the Secretary based on input from local agencies and the CSBG Advisory Task Force. Any Community Action Agency or migrant and seasonal farm workers organization which received funding in the previous fiscal year under this Act will not have its present or future funding terminated under this Act or reduced below the proportional share of funding it received in the previous fiscal year unless, after notice and opportunity for hearing on the record, the Commonwealth determines that cause existed for such termination or such reduction, subject however to review under section 676 A of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35, Stat. 357).

(2) For purposes of making a determination with respect to a funding reduction, the term "cause" includes:

(i) a Statewide redistribution of funds under this act to respond to:

(A) the results of the most recently available census or other appropriate data;

(B) the establishment of a new eligible entity;

(C) severe economic dislocation; and

(ii) "the failure of an eligible entity to comply with the terms of its agreement to provide services under this act."

(12) In the case of a State which applied for and received a waiver from the Secretary under Public Law 98-189, provide assurances that funds will not be provided under this subtitle by such State to an organization to which such State made a grant under this subtitle in fiscal year 1984 unless such organization allows, before expending such funds, low-income individuals to comment on the uses for which such organization proposes to expend such funds. (675(c)(12))

#### *Implementation Plan for Assurance #12*

This Assurance is not applicable to Pennsylvania.

(13) Secure from each eligible entity as a condition to its receipt of funding under this Act a community action plan (which shall be available to the Secretary for inspection) that includes—

(A) a community needs assessment (including food needs);

(B) a description of the service delivery system targeted to low-income individuals and families in the service area;

(C) a description of how linkages will be developed to fill identified gaps in service through information, referral, case management, and follow-up consultations;

(D) a description of how funding under this Act will be coordinated with other public and private resources; and

(E) a description of outcome measures to be used to monitor success in promoting self-sufficiency, family stability, and community revitalization; (675(c)(13))

#### *Implementation Plan for Assurance #13*

With the notification of its allocation, each agency receives instructions for submission of its 1998 application.

Applications must include a community action plan, eligible services to be provided, the methods of operation to provide the services, a description of the system by which the proposed program can be measured, the accounting and fiscal control procedures for the proposed program, and a description of the agency's board composition. The applications for special projects have the same requirements.

Grantees receiving 90% funds must include documentation that the public at large had an opportunity to review, comment and provide input into the grantee's Work Plan.

(14) Provide assurances that cost and accounting standards of the Office of Management and Budget (OMB Circular A-110 and A-122) shall apply to a recipient of funds under this subtitle. (675(c)(14))

#### *Implementation Plan for Assurance #14*

The Department's standardized contract contains the following language under Article III;

(a) Compliance with Federal Statutes and Regulations: The Contractor agrees to comply with all applicable Federal statutes and regulations to which the Department is subject including Circular A-102, as amended, entitled Uniform Administrative Requirements for Grants-In-Aid to States and Local Governments; A-110 entitled Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and other Non-profit Organizations; A-87 entitled Cost Principles for States and Local Governments; and A-122 entitled Cost Principles for Non-profit Organizations.

(15) *Public Law 103-227, Part C. Environmental Tobacco Smoke*, also known as the Pro Children Act of 1994 (Act), requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, day care, education, or library services to children under the age of 18 if the services are funded by Federal Programs either directly or through States or local governments by Federal grant, contract, loan or loan guarantee.



By signing and submitting these assurances the grantee certifies that it will comply with the requirements of the Act. The grantee further agrees that it will require that language of this certification be included in any sub-awards which contain provisions for children's services and that all subgrantees shall certify accordingly.

*Implementation Plan for Assurance #15*

Appendix C of the Department's contract, Assurances and Special Conditions for the CSBG program, contains the following language:

Pursuant to the Federal Pro-Children Act of 1994 (20 U.S.C. 6081—6084), the Contractor understands that it may not permit smoking within any indoor facility owned or leased or contracted for and utilized by Contractor, or an assignee of contractor, for provision of routine or regular kindergarten, elementary, or secondary education or library services to children; and that, in addition, it

may not permit smoking within any indoor facility (or portion thereof) owned or leased or contracted for by Contractor, or an assignee of Contractor, for the provision of regular or routine health care or day care or early childhood development (Head Start) services to children or for the use of the employees of Contractor, or an assignee of Contractor, who provides such services."

Under subsection 675(b) the legislative hearing for the CSBG State Plan was held on February 24, 1998 and March 2, 1998.

Under subsection 675(d)(2), the CSBG State Plan was published in the *Pennsylvania Bulletin* on December 19, 1998 and a public hearing is scheduled for December 29, 1998.

[Pa.B. Doc. No. 98-2069. Filed for public inspection December 18, 1998, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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#### APPLICATIONS RECEIVED UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

##### [National Pollution Discharge Elimination System Program (NPDES)]

##### DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

##### (Part I Permits)

The following parties have applied for an NPDES permit to discharge controlled wastewaters into the surface waters of this Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain effluent limitations and special conditions. These proposed determinations are tentative.

Where indicated, the EPA, Region III, Regional Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.6E.

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above the application within 30 days from the date of this public notice. Comments received within this 30-day comment period, will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

Following the 30-day comment period, the Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, proposed effluent limitations and special conditions, comments received and other information are on file and may be inspected and arrangements made for copying at the office indicated above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations to participate in the proceeding, should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay service at (800) 654-5984.

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#### Applications for National Pollutant Discharge Elimination System (NPDES) permit to discharge to State waters.

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*Southeast Regional Office: Regional Manager, Water Management, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-6130.*

**PA 0043982.** Sewage, **Utilities Inc. of Pennsylvania**, 5701 Westpark Drive No. 101, Charlotte, NC 28217.

This application is for renewal of an NPDES permit to discharge treated sewage from the Broad Run WWTP in West Bradford Township, **Chester County**. This is an existing discharge to the East Branch of Brandywine Creek.

The receiving stream is classified for the following uses: warm water fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 0.4 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
Phosphorus (as P) (4-1 to 10-31)	2.0	4.0
Total Residual Chlorine (years 1 and 2)	1.0	2.0
(years 3, 4 and 5)	0.5	1.6
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 2 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

*Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.*

**PA 0063185.** Industrial waste, SIC: 4613, **Eldorado Properties Corporation**, 900 Eisenhower Boulevard, Harrisburg, PA 17105.

This proposed action is for renewal of an NPDES permit to discharge treated stormwater into Collins Creek in Pittston Township, **Luzerne County**.

The receiving stream is classified for the following uses: cold water fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are as follows:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Recoverable Petroleum Hydrocarbons		monitor and report	

The EPA waiver is in effect.

**PA 0013552.** Industrial waste, SIC: 3241, **Hercules Cement Company**, 501 Center Street, P. O. Box 60, Stockertown, PA 18083.

This proposed action is for renewal of an NPDES permit to discharge treated noncontact cooling water, quarry water and stormwater into Bushkill Creek in Stockertown Borough, **Northampton County**.

The receiving stream is classified for the following uses: high quality, cold water fishery, aquatic life, water supply and recreation.

Effluent limits for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics were considered at the point of discharge.

*Outfall 001*—noncontact cooling water, quarry water and stormwater.

The proposed effluent limits based on a design flow of 2.07 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	2.0	4.0	
Temperature	not to exceed 3°C rise above inlet temperature		
Oil/Grease	15.0	30.0	
pH	6.0—9.0 standard units at all times		

*Outfall 002*—stormwater through coke storage area.

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids		50.0	
Oil/Grease	15.0	30.0	
pH	6.0—9.0 standard units at all times		

*Outfall 003*—stormwater through loading/unloading area.

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids		50.0	
Oil/Grease	15.0	30.0	
pH	6.0—9.0 standard units at all times		

*Outfall 005*—stormwater off cement kiln dust waste pile.

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids		50.0	

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	6.0—9.0 standard units at all times		

*Outfall 006*—stormwater off cement kiln dust waste pile.

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids		50.0	
pH	6.0—9.0 standard units at all times		

The EPA waiver is in effect.

*Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.*

**PA 0085863.** Industrial waste, SIC: 4953, **Waste Management of PA, Inc. (Harmony Grove Landfill)**, 420 Lincoln Highway, Fairless Hills, PA 19030.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to a stormwater retention pond, in Dover Township, **York County**.

The existing downstream potable water supply intake considered during the evaluation was Wrightsville Borough Municipal Authority located on the Susquehanna River. The discharge is not expected to impact any potable water supply.

The proposed Interim effluent limits for Outfall 001 for a design flow of 0.0025 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH		6.5 to 8.5 at all times	
Total Suspended Solids	30.0	60.0	75.0
Total Dissolved Solids	500.0	1,000.0	1,500.0
Total Manganese	0.050	0.100	0.125
Total Barium	monitor and report	monitor and report	
Ethylbenzene	monitor and report	monitor and report	
4,4'-DDE		nondetectable	
4,4'-DDD		nondetectable	

The proposed Final effluent limits for Outfall 001 for a design flow of 0.046 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Color	15.0	30.0	30.0
CBOD	25.0	50.0	62.0
Total Suspended Solids	30.0	60.0	75.0
Total Dissolved Solids	500.0	1,000.0	1,500.0
Ammonia as N	3.0	6.0	7.5
Nitrate	10.0	20.0	25.0
Nitrite	1.0	2.0	2.5
pH		6.5—8.5 at all times	
Total Lead	0.050	0.100	0.125
Total Selenium	0.010	0.020	0.025
Total Thallium	0.002	0.004	0.005
Total Barium	1.0	2.0	2.5
Dissolved Iron	0.300	0.600	0.750
Total Manganese	0.050	0.100	0.1250
Benzene	0.001	0.002	0.0025
Tetrachloroethylene	0.0007	0.0014	0.0018
Vinyl Chloride	0.00002	0.00004	0.00005
4,4'-DDE		nondetectable	
4,4'-DDD		nondetectable	

Persons may make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is in effect.

**PA 0097921.** Sewage, SIC: 4952, **Berwick Township**, 85 Municipal Road, Hanover, PA 17331.

This application is for issuance of an NPDES permit for a new discharge of treated sewage to an unnamed tributary of Pine Run, in Berwick Township, **Adams County**.

The receiving stream is classified for warm water fish, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements, the existing downstream potable water supply intake considered during the evaluation was the Wrightsville Water Supply Company located on the Susquehanna River. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.200 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	15	20
Total Suspended Solids	10	15	20
NH <sub>3</sub> -N			
(5-1 to 10-31)	2.0		4.0
(11-1 to 4-30)	6.0		12.0
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliforms			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

Persons may make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is in effect.

**PA 0037150, Amendment No. 2. Penn Township, York County, Authority.**

This application is for amendment of an NPDES permit for an existing discharge of treated sewage to Oil Creek, in Penn Township, **York County**.

The proposed changes to effluent limits for Outfall 001 are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Cadmium			deleted	
Total Copper	XXX	XXX	0.031	0.062
Total Lead	XXX	XXX	0.007	0.014
Total Zinc	XXX	XXX	0.146	0.300

In addition, Part C—Special Conditions for Toxics Reduction Evaluation, Total Residual Chlorine and Whole Effluent Toxicity are being deleted since these studies are completed.

The EPA waiver is not in effect.

**PA 0087912.** Industrial waste, SIC: 5171, **Arnold Fuel Oil, Inc.**, 900 Eisenhower Boulevard, P. O. Box 2621, Harrisburg, PA 17105.

This application is for issuance of an NPDES permit for a new discharge of treated industrial waste to surface drainage to Trindle Spring Run, in Silver Spring Township, **Cumberland County**.

The receiving stream is classified for cold water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Steelton Municipal Waterworks located in Steelton, Dauphin County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Recoverable Petroleum Hydrocarbons	XXX	monitor and report	XXX

Persons may make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is in effect.

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*Northcentral Region: Environmental Program Manager; Water Management Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (717) 327-3666.*

**PA 0113743.** Sewerage, SIC: 4952, **Grove Township Board of Supervisors**, P. O. Box 43, Sinnemahoning, PA 15861.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to Sinnemahoning Creek in Grove Township, **Cameron County**.

The receiving stream is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company located at Milton.

The proposed effluent limits for Outfall 001, based on a design flow of 0.0024 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
TSS	30	45	60
Total Cl <sub>2</sub> Residual	2.0		4.7
Fecal Coliforms (5-1 to 9-30)		200 col/100 ml as a geometric mean	
(10-1 to 4-30)		2,000 col/100 ml as a geometric mean	
pH		6.0—9.0 at all times	

The EPA waiver is in effect.

**PA 0021881.** Sewerage, SIC: 4952, **Westfield Borough**, 429 East Main Street, Westfield, PA 16950.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to the Cowanesque River in Westfield Borough, **Tioga County**.

The receiving stream is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is the Pennsylvania/New York State border located approximately 25 river miles downstream.

The proposed effluent limits for Outfall 001, based on a design flow of 0.46 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (6-1 to 10-31)	20	30	40
(11-1 to 5-31)	25	40	50
TSS	30	45	60
Ammonia-N (6-1 to 10-31)	4		8
Total Phosphorus	2		4
Total Cl <sub>2</sub> Residual (1st month—36th month)	report		
(37th month—permit expiration date)	0.3		0.9
Fecal Coliforms (5-1 to 9-30)		200 col/100 ml as a geometric mean	
(10-1 to 4-30)		2,000 col/100 ml as a geometric mean	
pH		6.0—9.0 at all times	

The EPA waiver is in effect.

**PA 0113298.** Sewerage, SIC: 4952, **Elkland Borough Authority**, 105 Parkhurst Street, Elkland, PA 16920.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to Cowanesque River in Elkland Borough, **Tioga County**.

The receiving stream is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Danville Municipal Authority located at Danville.

The proposed effluent limits for Outfall 001, based on a design flow of 0.55 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
TSS	45	65	90
Total Cl <sub>2</sub> Residual	1.0		3.3
Fecal Coliforms (5-1 to 9-30)		200 col/100 ml as a geometric mean	
(10-1 to 4-30)		2,000 col/100 ml as a geometric mean	
pH		6.0—9.0 at all times	

The EPA waiver is in effect.

**PA 0114201.** Sewerage, SIC: 4952, **Bradford County Humane Society**, P. O. Box 179, Ulster, PA 18850.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to unnamed tributary of Susquehanna River in Ulster Township, **Bradford County**.

The receiving stream is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Danville Municipal Authority located at Danville.

The proposed effluent limits for Outfall 001, based on a design flow of 0.0009 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		50
TSS	30		60
Total Cl <sub>2</sub> Residual	2.0		4.7
Fecal Coliforms (5-1 to 9-30)		200 col/100 ml as a geometric mean	
(10-1 to 4-30)		2,000 col/100 ml as a geometric mean	
pH		6.0—9.0 at all times	

The EPA waiver is in effect.

*Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**PA 0027715.** Industrial waste, SIC: 4953, **Mill Service, Inc., Yukon Facility**, 1815 Washington Road, Pittsburgh, PA 15241-1498.

This application is for renewal of an NPDES permit to discharge treated process water, sewage, leachate and stormwater from a refuse disposal and treatment facility in South Huntingdon Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, Sewickley Creek, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is the Westmoreland County Municipal Authority, located at McKeesport, 26 miles below the discharge point.

*Outfall 001:* existing discharge, design flow of 0.117 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
TSS			30	60	
Oil and Grease			15		30
NH <sub>3</sub> -N			45	90	
Fecal Coliform (lbs./100 ml)					
(5-1 to 9-30)			200	1,000	
(10-1 to 4-30)			2,000		
TRC			0.5	1.0	
Barium			4.0	8.0	
Iron			3.5	7.0	
Cadmium			0.025	0.05	
Chromium			0.5	1.0	
Hexavalent Chromium			0.05	0.1	
Copper			0.1	0.2	
Lead			0.12	0.24	
Nickel			1.0	2.0	
Zinc			0.35	0.70	
Cyanide (free)			0.1	0.2	
Phenols			0.1	0.2	
Osmotic Pressure (mo/kg)			1,000	2,000	
Aluminum			1.0	2.0	
Silver			0.005	0.01	
Tin				monitor/report	
Molybdenum				monitor/report	
Antimony				monitor/report	
pH	not less than 6.0 nor greater than 9.0				

*Outfall 101:* existing discharge, design flow of 0.056 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
Antimony				1.9	
Arsenic				1.4	
Barium				1.2	
Beryllium				0.82	
Cadmium				0.69	
Chromium				2.77	

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Cyanide (free)				0.86	
Cyanide (total)				1.2	
Fluoride				35	
Lead				0.69	
Mercury				0.15	
Nickel				3.98	
Selenium				0.82	
Silver				0.43	
Sulfide				14	
Thallium				1.4	
Vanadium				4.3	
pH				monitor/report	

*Outfall 002: existing discharge*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
TSS				monitor/report	
Aluminum				monitor/report	
Iron				monitor/report	

*Outfalls 003 and 004: existing discharges*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
These outfalls shall consist of stormwater only					

*Outfall 005: existing discharge*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor/report				
TSS			30		60
Oil and Grease			15		30
pH	not less than 6.0 nor greater than 9.0				

*Outfall 006: new discharge*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
This outfall shall consist of Impoundment No. 6 blanket drain water only.					

The EPA waiver is not in effect.

**PA 0036307.** Sewage, **Municipal Authority of the Township of Robinson**, P. O. Box 15539, Pittsburgh, PA 15244-0539.

This application is for renewal of an NPDES permit to discharge treated sewage from Moon Run STP in Robinson Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Moon Run, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Sewickley Water Authority.

*Outfall 001: existing discharge, design flow of .250 mgd.*

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
Fecal Coliform				

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.0			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0038181.** Sewage, **Hempfield Township Municipal Authority**, R. D. 6, Box 501, Greensburg, PA 15601.

This application is for issuance of an NPDES permit to discharge treated sewage from the New Stanton Water Pollution Control Plant in Hempfield Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Sewickley Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Westmoreland County Municipal Authority—McKeesport.

*Outfall 001:* existing discharge, design flow of 4.5 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	5	7.5		10
(11-1 to 4-30)	12	18		24
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	monitor and report			
(1st month—36th month)	0.4			
(37th month—expiration)				
Dissolved Oxygen	not less than 5 mg/l			
pH	not less than 6.0 nor greater than 9.0			

*Outfall 001:* expanded discharge, design flow of 7.2 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	37.5			50
Suspended Solids	30	45			60
Ammonia Nitrogen					
(5-1 to 10-31)	3.5	5.3			7
(11-1 to 4-30)	8.5	12.8			17
Fecal Coliform					
(5-1 to 9-30)	200/100 ml as a geometric mean				
(10-1 to 4-30)	2,000/100 ml as a geometric mean				
Total Residual Chlorine	0.3				
Dissolved Oxygen	not less than 5 mg/l				
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is not in effect.

**PA 0093211.** Sewage, **Menallen Township Sewer Authority**, P. O. Box 576, New Salem, PA 15468.

This application is for renewal of an NPDES permit to discharge treated sewage from the Buffington Sewage Treatment Plant in Menallen Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Dunlap Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Brownsville Water Company.



*Outfall 001:* existing discharge, design flow of 0.2 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	8.5	12.8		17.0
(11-1 to 4-30)	25.0	38.0		50.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	10,000/100 ml as a geometric mean			
Total Residual Chlorine				
(1st month—36th month)	monitor and report			
(37th month—expiration)	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0097578.** Sewage, **Jarrett Brothers Mobile Home Park**, R. D. 3, Box 323, Smithfield, PA 15478.

This application is for renewal of an NPDES permit to discharge treated sewage from Jarrett Brothers Mobile Home Park Sewage Treatment Plant in Georges Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Georges Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Dunkard Valley Joint Municipal Authority.

*Outfall 001:* existing discharge, design flow of 0.013 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	4.0			8.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine				
(1st month—36th month)	monitor and report			
(37th month—expiration)	0.1			0.25
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0098477.** Sewage, **Highland Tank and Manufacturing Company**, One Highland Road, Stoystown, PA 15563.

This application is for renewal of an NPDES permit to discharge treated sewage from the Highland Tank and Manufacturing Company Sewage Treatment Plant in Quemahoning Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Oven Run, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Hooversville Municipal Authority on Stony Creek.

*Outfall 001:* existing discharge, design flow of 0.0003 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	100,000/100 ml as a geometric mean			
Total Residual Chlorine				
(1st month—36th month)	monitor and report			
(37th month—expiration)	0.1			0.25
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

Outfalls SW1 through SW8 which discharge to the receiving waters known as Oven Run, serve as stormwater outfalls and are permitted to discharge only uncontaminated stormwater runoff. There are at this time no specific effluent limitations on the outfalls.

The EPA waiver is in effect.

**PA 0216381.** Sewage, **Richard V. Thompson**, P. O. Box 1601, Cranberry Township, 16066.

This application is for issuance of an NPDES permit to discharge treated sewage from the Holy Hill Mobile Home Park sewage treatment plant in New Sewickley Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Crows Run, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Midland Borough Water Authority located on the Ohio River.

*Outfall 001:* existing discharge, design flow of 0.0178 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	20			40
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	20,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0218022.** Sewage, **Keith Thurner**, 21 Sawmill Road, Finleyville, PA 15332.

This application is for issuance of an NPDES permit to discharge treated sewage from Thurner Single Family Residence STP in Nottingham Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Tributary of Mingo Creek, which are classified as a high quality trout stock fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the PA American Water Co. on the Monongahela River.

*Outfall 001:* new discharge, design flow of .0005 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10			20
Suspended Solids	10			20
Ammonia Nitrogen (5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	monitor and report			
Dissolved Oxygen	not less than 3 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect

**PA 0218049.** Sewage, **Midway Sewage Authority**, P. O. Box 600, Midway, PA 15060.

This application is for issuance of an NPDES permit to discharge treated sewage from Midway Sewage Treatment Plant in Cecil Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Robinson Run, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the West View Borough Municipal Authority.

*Outfall 001: new discharge, design flow of 0.5 mgd.*

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.5			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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### **Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges**

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The following parties have applied to renew their current NPDES permits to allow the continued discharge of controlled wastewaters into the surface waters of this Commonwealth. The Department of Environmental Protection (Department) has made a tentative determination to renew these permits and proposes to issue them, subject to their current permit effluent limitations, and monitoring and reporting requirements, with appropriate and necessary updated requirements to reflect new or changed regulations and other requirements. The updates may include, but will not be limited to, applicable permit conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management and total residual chlorine control (TRC). Any major changes to or deviations from the terms of the existing permit will be documented and published with the final Department actions.

The EPA, Region III, Regional Administrator has waived the right to review or object to these proposed permit actions under the waiver provision 40 CFR 123.6E.

Persons wishing to comment on the proposed permits are invited to submit a statement to the Field Operations indicated as the office responsible, within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding these applications and proposed permit actions. Comments should include the name, address and telephone number of the writer and a brief statement to inform the Field Office of the basis of the comment and the relevant facts upon which it is based. A public hearing may be held if the Field Office considers the public response significant.

Following the 30-day comment period, the Water Management Program Manager will make a final determination regarding the proposed permit action. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit renewal application and related documents, proposed effluent limitations and special conditions, comments received and other information are on the Department's file. The documents may be inspected at, or a copy requested from, the Field Office that has been indicated above the application notice.

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*Southcentral Regional Office: Water Management Program, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.*

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA 0085367	Russell C. South P. O. Box 566 Adamstown, PA 19501-0566	Lancaster Brecknock Twp.	UNT of Little Muddy Creek	TRC
PA 0030911	Eastern Lancaster Co. School District 669 E. Main St. New Holland, PA 17557	Lancaster Caernarvon Twp.	Conestoga River	TRC
PA 0051641	Daniel Boone Homestead 400 Daniel Boone Rd. Birdsboro, PA 19508	Berks Exeter Twp.	Owatin Creek	TRC

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### **DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER**

#### **Applications under the Pennsylvania Clean Streams Law**

#### **(Part II Permits)**

The following permit applications and requests for plan approval have been received by the Department of Environmental Protection (Department).

Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department at the address indicated above each permit application or plan. Each written protest should contain the name, address and telephone number of the protester, identification of the plan or application to which the protest is addressed and a concise statement or protest in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The

Department may conduct a fact-finding hearing or an informal conference in response to any given protest. Each protester will be notified in writing of the time and place of any scheduled hearing or conference concerning the plan, action or application to which the protest relates. To insure consideration by the Department prior to final action on permit applications and proposed plans, initial protests and additions or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

**Industrial waste and sewerage applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).**

*Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.*

**A. 5498404.** Sewerage, **Borough of Gilberton**, Municipal Building, Main Street, Maizeville, Gilberton, PA 17934. Permit to construct a sewage treatment plant, located in the Borough of Gilberton, **Schuylkill County**. Application received in the Regional Office—November 24, 1998.

*Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.*

**WQM Permit No. 4298403.** Sewage, **Ray Schaffer, SRSTP**, 16071 Heiser Road, Berlin Center, OH 44401. This project is for the construction of a single residence sewage treatment plant in Liberty Township, **McKean County**.

**INDIVIDUAL PERMITS  
(PAS)**

**NPDES Individual**

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity into the surface waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain effluent limitations set forth in the permit and special conditions. These proposed determinations are tentative. Limitations are provided in the permit as erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment discharged.

Where indicated, the EPA, Region III, Regional Administrator has waived the right to review or object to this proposed permit action under the waiver provision of 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above the application within 30 days from the date of this public notice. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

Following the 30-day comment period, the Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, including the erosion and sedimentation control plan for the construction activity, are on file and may be inspected at the office noted above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

*Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-6130.*

**NPDES Permit PAS10-PAS10-G351.** Stormwater. **Southdown Properties**, 55 Country Club Drive, Downingtown, PA 19335, has applied to discharge stormwater from a construction activity located in East Brandywine Township, **Chester County**, to Unnamed Tributary to East Branch Brandywine Creek.

**NPDES Permit PAS10-PAS10-G352.** Stormwater. **Delaware County Community College**, 901 South Media Line Road, Media, PA 19063, has applied to discharge stormwater from a construction activity located in East Brandywine Township, **Chester County**, to Unnamed Tributary to East Branch Brandywine Creek.

*Northeast Regional Office: Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.*

*Monroe County Conservation District, District Manager, 8050 Running Valley Road, Stroudsburg, PA 18360, (717) 629-3060.*

**NPDES Permit PAS10S013-R.** Stormwater. **Godfrey's Ridge, LTS Development, Inc.**, P. O. Box 160, Shawnee-on-Delaware, PA 18356, has applied to discharge stormwater from a construction activity located in the Borough of Stroudsburg and Stroud Township, **Monroe County**, to Brodhead and Cherry Creeks.

**NPDES Permit PAS10S020-R.** Stormwater. **The Estates at Great Bear, Keystone Hollow Corp.**, P. O. Box 1158, Marshalls Creek, PA 18335-1158, has applied to discharge stormwater from a construction activity located in Middle Smithfield Township, **Monroe County**, to UNTs to Brodhead Creek and Bushkill.

*Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 657-4707.*

*Lancaster County Conservation District, District Manager, 1383 Arcadia Road, Room 6, Lancaster, PA 17601, (717) 299-5361.*

**NPDES Permit PAS-10-O-076.** Stormwater. **Williams Communications, Inc.** One Williams Center MD RC3-T, Tulsa, OK 74172 has applied to discharge stormwater from a construction activity located in Drumore, E. Drumore, Eden, Barr, Sadsbury and Mortic Townships, **Lancaster County** and Peachbottom and Lower Chanceford Townships, **York County**, to Muddy Run, Fishing Creek, Conowingo Creek, Stewart Run, Bowery Run, Meetinghouse Creek, Nickel Mines Run, Valley Run and its tributaries (Lancaster County), Muddy

Creek and its tributaries, Tributary to Anderson Run and Tributary to Fishing Creek (York County).

**NPDES Permit PAS-10-O-016-R.** Stormwater. **Jacob P. and Evelyn H. King** have applied to discharge stormwater from a construction activity located in Salisbury Township, **Lancaster County**, to UNT to Pequea Creek.

*Berks County Conservation District, District Manager, P. O. Box 520, 1238 County Welfare Road, Leesport, PA 19533, (610) 372-4657.*

**NPDES Permit PAS-10-C038.** Stormwater. **Triple Crown Corporation**, 5351 Jaycee Avenue, Harrisburg, PA 17112 has applied to discharge stormwater from a construction activity located in Birdsboro Borough, **Berks County**, to UNT to Hay Creek.

## SAFE DRINKING WATER

### Applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

*Southeast Regional Office: Sanitarian Regional Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-6130.*

**A. 4698509.** Public water supply. **Yerkes Water Association**, 17A Henry Avenue, Collegeville, PA 19424. This proposal involves the deepening of existing well No. 2 from 260 feet to 500 feet in Lower Providence Township, **Montgomery County**.

*Regional Office: Northcentral Field Operations, Environmental Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.*

**A. 1498505.** The Department has received an operating/construction permit application from **College Township Water Authority** (1481 East College Avenue, State College, PA 16801; College Township, **Centre County**) for construction of water supply well facility and systemwide SCADA telemetry system.

*Northwest Regional Office: Regional Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6899.*

**A. 3798501.** Public water supply. **Pennsylvania-American Water Company**, 800 West Hershey Park Drive, P. O. Box 888, Hershey, PA 17033-0888 (Ellwood District). This proposal involves the addition of a polymer feed system, increase the size of the pipeline between the spiral sedimentation basin and the rectangular sedimentation basin; and operate the plant with the basins in series and alternate chemical feed points to allow the plant to perform enhanced coagulation for disinfection by-product reduction in Wayne Township, **Lawrence County**.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### Under Act 2, 1995

#### Preamble 1

### Acknowledgment of Notices of Intent to Remediate submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Sections 302 and 303 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to

Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate identifies a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background or Statewide health standard to remediate a site must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department must provide a brief description of the location of the site, a list of known contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of the cleanup standards identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department and shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

For further information concerning the content of a Notice of Intent to Remediate, contact the Department's Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

*Southeast Regional Office: Environmental Cleanup Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.*

**SPD Technologies**, City of Philadelphia, **Philadelphia County**. Walter J. Wujcik, P.E., Roy F. Weston, Inc., 1400 Weston Way, West Chester, PA 19380, has submitted a Notice of Intent to Remediate site soil contaminated with lead, heavy metals, solvents and petroleum hydrocarbons; and groundwater contaminated with lead and heavy metals. The applicant proposes to remediate the site to meet the Statewide health and background standards.

**New Life Youth and Family Services**, Lower Salford Township, **Montgomery County**. Samuel J. Kucia, Environmental Consulting, Inc., 1232 Forty Foot Road, Kulpville, PA 19443-3145, has submitted a Notice of Intent to Remediate site groundwater contaminated with BTEX and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard.

**Oslo Corporation**, Lower Merion Township, **Montgomery County**. Terrence J. McKenna, P.E., Keating Environmental Management, Inc., 479 Thomas Jones Way, Suite J, Exton, PA 19341-2552, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with petroleum hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard. A Final Report was simultaneously submitted.

*Southcentral Regional Office: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.*

**Ray Byler Property/Former Oil Terminal**, Lewistown Borough, **Mifflin County**. Ray Byler, R. D. 1, Box 41, Belleville, PA 17004 and RT Environmental Services, Inc., 125 West Church Road, King of Prussia, PA 19406, have submitted a Notice of Intent to Remediate site soils and groundwater contaminated with PHCs. The

applicants propose to remediate the site to meet a combination of Statewide health and site specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lewistown Sentinel* on November 11, 1998.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 2

### Acknowledgment of Notices of Intent to Remediate submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Sections 304 and 305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use a site-specific standard or who intend to remediate a site in a Special Industrial Area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of the cleanup standards identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department and shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific cleanup standard, in whole or in part, and for sites determined to be located in Special Industrial Areas. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area by the person conducting remediation. For the sites identified, a municipality may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period a municipality may request that the person identified, as the remediator of a site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of a site. For further information concerning the content of a Notice of Intent to Remediate, contact the Department's Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

*Southeast Regional Office: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.*

**Progress Lighting Facility (Former)**, City of Philadelphia, **Philadelphia County**. Ted Haldis, Stormin Realty Corp., 826 East Erie Avenue, Philadelphia, PA 19134-1325, has submitted a Notice of Intent to Remediate site soil contaminated with PCBs, heavy metals, solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons; and groundwater contaminated with lead, heavy metals, solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in *Philadelphia Daily News* on November 25, 1998.

*Southcentral Regional Office: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.*

**Ray Byler Property/Former Oil Terminal**, Lewistown Borough, **Mifflin County**. Ray Byler, R. D. 1, Box 41, Belleville, PA 17004 and RT Environmental Services, Inc., 125 West Church Road, King of Prussia, PA 19406, have submitted a Notice of Intent to Remediate site soils and groundwater contaminated with PHCs. The applicants propose to remediate the site to meet a combination of Statewide health and site specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lewistown Sentinel* on November 11, 1998.

**Feinberg Parcel**, Ontelaunee Township, **Berks County**. Global Environmental Services, Inc. has submitted a Notice of Intent to Remediate site soils contaminated with heavy metals. This site is located in a Special Industrial Area. A summary of the Notice of Intent to Remediate was reported to have been published in the *Reading Eagle* on October 21, 1998.

*Northwest Regional Office: Craig Lobins, Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6648.*

**Rostan Acquisition Corporation/former Double R Enterprises Site**, 221 Grove Street, New Castle, PA 16103, **County of Lawrence**, City of New Castle, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with PaHs, lead and heavy metals. The site is located in a Special Industrial Area. The applicant's proposed remediation will address any immediate, direct or imminent threat to the public health and the environment and will be based on the results of the Baseline Remedial Investigation Report. A summary of the Notice of Intent to Remediate was reported to have been published in the *New Castle News* on October 27, 1998.

## SOLID AND HAZARDOUS WASTE

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

#### Applications received under the Solid Waste Act (35 P.S. §§ 6018.101—6018.1003) and regulations to operate a solid waste processing or disposal area or site.

*Southwest Regional Office: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**I. D. No. 301307. MAX Environmental Technologies**, 1815 Washington Road, Pittsburgh, PA 15241. **Allegheny Liquid Systems**, R J Casey Industrial Park, Columbus and Adams Avenues, Pittsburgh, PA 15233-1092. Application for the reissuance of a residual waste

processing/transfer facility in the City of Pittsburgh, **Allegheny County**, was received in the Regional Office on November 24, 1998.

## AIR QUALITY

### Plan Approval and Operating Permit Applications Nonmajor Sources and Modifications

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities. Although the sources covered by these applications may be located at a major facility, the sources being installed or modified do not trigger major new source review or prevention of significant deterioration requirements.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the Regional Offices identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to file protests or comments on the proposed plan approval and/or operating permits must submit the protest or comment within 30 days from the date of this notice. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Any comments or protests filed with the Department's Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to the date of the hearing.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121-143, the Federal Clean Air Act and regulations adopted under the act.

### OPERATING PERMITS

#### Applications received and intent to issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001-4015).

*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**23-00017: PECO Energy Company** (1 Industrial Highway, Eddystone, PA 19022) located in Eddystone Borough, **Delaware County**. The Title V Acid Rain Permit establishes Sulfur Oxides (SOx) allowances for Unit No. 1 and No. 2.

**15-00019: PECO Energy Company** (Township Line and Cromby Roads, Phoenixville, PA 19460) located in East Pikeland Township, **Chester County**. The Title V Acid Rain Permit establishes Sulfur Oxides (SOx) allowances for Unit No. 1.

*Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.*

**39-318-102: American Atelier, Inc.** (301 North Front Street, Allentown, PA 18102) for operation of a furniture paint spray operation in City of Allentown, **Lehigh County**.

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**07-330-004: Hamilton Beach Proctor-Silex, Inc.** (4421 Waterfront Drive, Glen Allen, VA 23060) for ground-water and soil vapor remediation operation at one of their former plants in Antis Township, **Blair County**.

**21-317-056A: ADM Milling Co.** (P. O. Box 3100, Shiremanstown, PA 17011) for operation of a grain processing plant and associated control devices in Camp Hill Borough, **Cumberland County**.

**36-05027A: RR Donnelley & Sons Co.** (216 Greenfield Road, Lancaster, PA 17601) for operation of rotogravure presses and an associated control device at the Lancaster East Plant located at the facility located in Lancaster City, **Lancaster County**. These sources are subject to 40 CFR Subpart KK, New Source Performance Standards for Publication Rotogravure Presses.

**38-05011A: Plain N' Fancy Kitchens, Inc.** (P. O. Box 519, Schaefferstown, PA 17088) for installation of two spray booths controlled by associated control devices in Heidelberg Township, **Lebanon County**.

*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.*

**12-323-001: Caldwell Corp.** (116 West Second Street, Emporium, PA 15834) for operation of a disc brake burnoff oven previously owned by Motion Control Industries, Inc. and operated by Caldwell Machining, Inc. in Emporium Borough, **Cameron County**.

*Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.*

**OP-26-00032: Uniontown Hospital** (500 West Berkeley Street, Uniontown, PA 15401) for operation of a hospital facility in Uniontown, **Fayette County**.

### PLAN APPROVALS

#### Applications received and intent to issue Plan Approvals under the Air Pollution Control Act (35 P. S. §§ 4001-4015).

*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**PA-23-0003C: Bayway Refining Co.** (4101 Post Road, Trainer, PA 19061) for modification of Boiler No. 8 in Trainer Borough, **Delaware County**.

**PA-23-0003B: Bayway Refining Co.** (4101 Post Road, Trainer, PA 19061) for modification of Boiler No. 7 in Trainer Borough, **Delaware County**.

**46-310-049GP: ADC Recycling Corp., Inc.** (1060 Conshohocken Road, Conshohocken, PA 19428) for modification of a mineral processing plant in Plymouth Township, **Montgomery County**.

**PA-09-0110: Riverside Construction Materials, Inc.** (7900 Radcliffe Street, Bristol, PA 19007) for modification of cement handling in Bristol Township, **Bucks County**.

**PA-46-0107: ITW Philadelphia Resins** (130 Commerce Drive, Montgomeryville, PA 18936) for modification of a baghouse in Montgomery Township, **Montgomery County**.

**PA-46-0011B: Bethlehem Lukens Plate** (Conshohocken Road, Conshohocken, PA 19428) for a scale evacuation system in Plymouth Township, **Montgomery County**.

**PA-15-0051: Allan A. Myers, Inc.** (Route 29 and Charlestown Road, Devault, PA 19432) for modification of a rock crushing plant in Charlestown Township, **Chester County**.

**PA-15-0002C: Quebecor Printing Atglen, Inc.** (4581 Lower Valley Road, Atglen, PA 19310) for modification of hard chrome electroplating baths in West Sadsbury Township, **Chester County**.

**46-302-217GP: Penco Products, Inc.** (99 Brower Avenue, Oaks, PA 19456) for construction of a small gas and No. 2 oil fired boiler in Upper Providence Township, **Montgomery County**.

**PA-15-0030: NVF Company** (400 West Mulberry Street, Kennett Square, PA 19348) for construction of baghouses (dust collectors) in Kennett Square Borough, **Chester County**.

**PA-09-0007A: Waste Management Disposal Services** (1513 Bordentown Road, Morrisville, PA 19067) for modification of a solid waste landfill expansion in Falls Township, **Bucks County**.

**OP-46-0027: Ortho-McNeil Pharmaceuticals** (Welsh and McKean Roads, Spring House, PA 19477) for a minor operating permit modification for reactors in Lower Gwynedd Township, **Montgomery County**.

**PA-09-0111: Waste Alternatives, Inc.** (Hays Boulevard, Magnolia Industrial Park, Bristol, PA 19007) for construction of a solid waste composting plant in Bristol Township, **Bucks County**.

*Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.*

**13-318-004: Haulmark of Pennsylvania Corp.** (Haulmark Industries, Inc., P. O. Box 8, McAdoo, PA 18237) for construction of a truck frame and underbody coating operation in Banks Township, **Carbon County**.

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**21-03001A: Ahlstrom Filtration, Inc.** (P. O. Box A, Mt. Holly Springs, PA 17065) for installation of a natural gas/No. 6 fuel oil-fired boiler in Mt. Holly Springs, **Cumberland County**. The boiler is subject to 40 CFR 60, Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.

**21-310-008A: Pennsy Supply, Inc.** (P. O. Box 3331, Harrisburg, PA 17105) for replacement/installation of three sizing screens for a crushing and screening operation in Silver Spring Township, **Cumberland County**. This source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

**21-310-019B: Pennsy Supply, Inc.** (P. O. Box 3331, Harrisburg, PA 17105) for installation of one new sizing screen for a sand processing plant in Dickinson Township, **Cumberland County**. This source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

**67-3052: Bimax, Inc.** (212 Cockeysville Road, Cockeysville, MD 21030) for construction of a small chemical manufacturing facility in Springfield Township, **York County**.

*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.*

**41-305-011: Fisher Mining Co.** (P. O. Box 374, Montoursville, PA 17754) for construction of a coal preparation facility at the Thomas Site in Pine Township, **Lycoming County**. This plant will be subject to Subpart Y of the Federal Standards of Performance for New Stationary Sources.

**TVOP-49-00011A: Butter Krust Baking Co., Inc.** (249 North 11th Street, Sunbury, PA 17801) for installation of an air cleaning device (a catalytic oxidizer) on a bread oven and a roll oven (roll oven No. 1). Butter Krust Baking Co., Inc. is a major facility subject to Title V permitting requirements located in the city of Sunbury, **Northumberland County**. The installation of the catalytic oxidizer will provide partial control of the volatile organic compound emissions from the bread oven and roll oven and is being made to insure compliance with the volatile organic compound emission limitations to which these ovens are currently subject (20.0 tons during any 12 consecutive month period for the roll oven and 23.7 tons for the bread oven during the 12 consecutive month period ending on May 31, 2001, and during any 12 consecutive month period occurring thereafter). There will be no increase in the emission of volatile organic compounds from these ovens as a result of the catalytic oxidizer installation. The plan approval will contain conditions requiring the performance of stack testing to demonstrate compliance with the applicable volatile organic compound emission limits. The plan approval, and subsequent amended Title V operating permit, will also contain appropriate monitoring, recordkeeping and reporting requirements to help assure that compliance with the applicable volatile organic compound emission limits will be maintained.

*Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.*

**PA-26-177A: Golden Eagle Construction Co.** (P. O. Box 945, Uniontown, PA 15401) for installation of a hot-mix asphalt plant at Coolspring in North Union Township, **Fayette County**.

**30-399-005A: Texas Eastern Transmission Corp.** (P. O. Box 1642, Houston, TX 77251) for installation of a gas fired turbine at Waynesburg Compressor Station in Franklin Township, **Greene County**.

**PA-65-911A: McKnight Cylinder Co.** (168 Pattern Shop Road, R. D. 1, Box 338, Ruffsale, PA 15679) for installation of a cylinder reconitioner in South Huntingdon Township, **Westmoreland County**.

**PA-26-119D: Anchor Glass Container Corp.** (4343 Anchor Plaza Parkway, Tampa, FL 33634) for installation of No. 3 deco. lehr at Plant 5 in South Connellsville Borough, **Fayette County**.

*Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.*

**10-307-040A: Armco, Inc., Butler Works** (Route 8 South, Butler, PA 16003) to authorize an alternative opacity limitation on the cold rolling mill in Butler, **Butler County**.



**PA-61-187B: AG Industries** (P. O. Box 1107, Oil City, PA 16301) for minor modification of the plan approval application to reflect the correct pressure drop across the collector located at 671 Colbert Avenue in Oil City, **Venango County**.

**PA-43-309A: Bucks Fabricating** (3547 Perry Highway, Hadley, PA 16130-2325) for operation of a steel roll-off container cleaning/painting process (approximately 9 tpy VOC) in Sandy Creek Township, **Mercer County**.

**REASONABLY AVAILABLE CONTROL TECHNOLOGY**

(RACT)

**Applications received and intent to issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations for an Operating Permit to comply with 25 Pa. Code § 129.91 for Reasonable Available Control Technology.**

*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**OP-46-0176: A. Talone, Inc.** (318 West Lancaster Avenue, Ardmore, PA 19003) for approval of Facility VOC/NOx RACT in Lower Merion Township, **Montgomery County**.

**OP-23-0017B: PECO Energy Co.** (1 Industrial Highway, Eddystone, PA 19022) for the approval of Facility VOC/NOx RACT in Eddystone Borough, **Delaware County**.

**Proposed Revision to the State Implementation Plan for Oxides of Nitrogen (NOx). Approval of a Reasonably Available Control Technology Plan and Operating Permit. Public Hearing. Dauphin County.**

The Department of Environmental Protection (Department) has made a preliminary determination to approve Reasonably Available Control Technology (RACT) Plan, and an amendment to the State Implementation Plan (SIP) for Harrisburg Energy Center (Harrisburg Steam Works), 100 North Tenth Street, Harrisburg, PA 17105.

The proposed SIP revision does not adopt new regulations. It incorporates the provisions and requirements contained in RACT Operating Permit No. 22-2005 for the existing facility to comply with current regulations. Upon final approval, the operating permit will include emission limits, fuel usage restrictions, monitoring, recordkeeping and reporting requirements for four boilers.

The preliminary RACT determination, when finally approved, will be incorporated into an Operating Permit for the facility and will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania SIP.

An appointment to review the RACT plan, plan approval and other pertinent documents at the Southcentral Regional Office may be scheduled by contacting Mary DiSanto at (717) 705-4732 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

One public hearing will be held for the purpose of receiving comments on the proposal. The hearing will be held on January 26, 1999, at Juniata Room in Southcentral Regional Office of the Department, 909 Elmerton Avenue, Harrisburg, PA 17110 from 1 p.m. until such a time as all scheduled comments on the proposal are received.

The public is invited to comment on the proposed plan and SIP revision. Persons interested in commenting are invited to appear at the public hearing; and they should contact Sandra Roderick (717) 705-4931 at least 1 week in advance of the hearing to reserve a time to present testimony. Commentators are requested to provide a written copy of their remarks at the time of the hearing. Oral testimony will be limited to a maximum of 10 minutes per individual. Persons interested in submitting written comments should send their comments to Ranjan Roy, Air Pollution Control Engineer, 909 Elmerton Avenue, Harrisburg, PA 17110-8200 on or before February 5, 1999.

Persons with a disability who wish to attend the above hearing; and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Sandra Roderick (717) 705-4931 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

**Public Hearing. Proposed Revision to the State Implementation Plan for Oxides of Nitrogen (NOx). Approval of a Reasonably Available Control Technology Plan for Statoil Energy Power Paxton, LP (formerly Paxton Creek Cogeneration Associates). Dauphin County.**

The Department of Environmental Protection (Department) has made a preliminary determination to approve Reasonably Available Control Technology (RACT) Plan and an amendment to the State Implementation Plan (SIP) for the Statoil Energy Power Paxton, LP (formerly Paxton Creek Cogeneration Associates, 100 North 10th Street, Harrisburg, PA 17105).

The proposed SIP revision does not adopt new regulations. It incorporates the provisions and requirements contained in RACT Plan Approval No. 22-2015 for the existing facility to comply with current regulations. The plan approval requires installation of the air cleaning device on two reciprocating internal combustion engines to reduce emissions of oxides of nitrogen. Upon final approval, the operating permit will include emission limits, fuel usage requirements, monitoring, recordkeeping and reporting requirements for the sources at the facility.

An appointment to review the RACT plan, plan approval and other pertinent documents at the Southcentral Regional Office may be scheduled by contacting Mary DiSanto at (717) 705-4732 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

One public hearing will be held for the purpose of receiving comments on the proposal. The hearing will be held on January 26, 1999, at the Department's Southcentral Regional Office, on 909 Elmerton Avenue, Harrisburg, PA 17110, in the Juniata Room from 1 p.m. until such a time as all scheduled comments on the proposal are received.

The public is invited to comment on the proposed plan and SIP revision. Persons interested in commenting are invited to appear at the public hearing; and they should contact Sandra Roderick at (717) 705-4931 at least 1 week in advance of the hearing to reserve a time to present testimony. Commentators are requested to provide a written copy of their remarks at the time of the hearing. Oral testimony will be limited to a maximum of 10 minutes per individual. Persons interested in submitting written comments should send their comments to Ranjan Roy, Air Pollution Control Engineer, 909 Elmerton Avenue, Harrisburg, PA 17110-8200 on or before February 5, 1999.

Persons with a disability who wish to attend the above hearing; and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Sandra Roderick directly at (717) 705-4931 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

**Proposed Revision of the State Implementation Plan for Oxides of Nitrogen and Volatile Organic Compounds and Public Hearing**

*Approval of Reasonable Available Control Technology (RACT) Plans for Forbo Industries, Inc. located in Hazle Township, Luzerne County*

The Department of Environmental Protection (Department) has made a preliminary determination to approve

the RACT plans and proposes to revise the State Implementation Plan (SIP) for Forbo Industries, Inc. (P. O. Box 667, Hazleton, PA 18201).

The proposed SIP revisions do not adopt new regulations. They incorporate the provisions and requirements contained in the RACT approvals for this facility to comply with current regulations.

The preliminary RACT determinations, if finally approved, will be incorporated into Plan Approval/Operating Permit for the facility and will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

The main source at Forbo Industries, Inc. is the coating operations. The following is the summary of the preliminary RACT determination for this facility:

<i>Source</i>	<i>VOC/NOx RACT Limit</i>	<i>Control Device</i>	<i>Implementation Schedule</i>
Coating Operations	25 Pa. Code § 129.52	Compliance Coatings	5-31-95

A public hearing will be held for the purpose of receiving comments on the proposed Plan Approval/Operating Permit and the proposed SIP revisions. The hearings will be held on January 26, 1999, at 10 a.m. at the Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711. The public is invited to comment on the proposal. Persons interested in commenting are invited to appear at the public hearing.

Persons wishing to present testimony at the hearing should contact Mark Carmon, Community Relations Coordinator, at (717) 826-2511 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the oral testimony. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with disabilities who wish to attend the hearing and who require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Richard Shudak of the Department at (717) 826-2060 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing, but wish to comment, should provide written comment to Thomas A. DiLazaro, Air Quality Program Manager, Pennsylvania DEP, 2 Public Square, Wilkes-Barre, PA 18711. Comments should be submitted within 30 days of this publication in the *Pennsylvania Bulletin*.

All the pertinent documents are available for review from 8 a.m. to 4 p.m. in the Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711. Appointments for scheduling a review may be made by calling (717) 826-2511.

## MINING

### APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35

P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District mining office indicated above each application. Where a 401 water quality certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for the certification.

Written comments or objections, or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. The NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the above, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit when necessary for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or

agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

*Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.*

#### *Coal Applications Received*

**56920301.** Permit Revision, **New Enterprise Stone & Lime Company, Inc.** (P. O. Box 77, New Enterprise, PA 16665), to revise their reclamation plan in Ogle Township, **Somerset County**, affecting 222.5 acres, receiving stream Clear Shade Creek. Application received November 23, 1998.

**56930109.** Permit Revision, **Mountaineer Mining Corporation** (1010 Garrett Shortcut Road, Berlin, PA 15530), to change the land use of woodland and cropland to unmanaged natural habitat in Jenner Township, **Somerset County**, affecting 57.0 acres, receiving stream Flat Run and Roaring Run to Quemahoning Creek to Stonycreek. Application received November 25, 1998.

**56930109.** Permit Renewal, **Mountaineer Mining Corporation** (1010 Garrett Shortcut Road, Berlin, PA 15530), commencement, operation and restoration of bituminous strip mine, for reclamation, only in Jenner Township, **Somerset County**, affecting 57.0 acres, receiving stream Flat Run and Roaring Run to Quemahoning Creek to Stonycreek. Application received November 30, 1998.

**56890104.** Permit Renewal, **Chambers Development Company, Inc.** (Box 315, Valley View Drive, Hollsopple, PA 15935), commencement, operation and restoration of bituminous strip mine in Conemaugh Township, **Somerset County**, affecting 245.0 acres, receiving stream unnamed tributary to Stonycreek and Stonycreek. Application received December 3, 1998.

*Greensburg District Office, R. D. 2, Box 603-C, Greensburg, PA 15601.*

**02940101R.** **Neville Manor, Inc.** (772 Pine Valley Drive, Pittsburgh, PA 15239). Renewal application received for continued reclamation of a bituminous surface mine located in Collier Township, **Allegheny County**. Receiving streams: one unnamed tributary to Chartiers Creek. Renewal application received: December 2, 1998.

*Hawk Run District Office, P. O. Box 209, Off Empire Road, Hawk Run, PA 16840.*

**17850120.** **M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701), revision to an existing bituminous surface mine permit to add 5 acres Upper Kittanning coal acres and to change the permit acreage from 902.4 to 924.7 acres, Bigler Township, **Clearfield County**. Receiving streams: unnamed tributaries of Haslett Run and Haslett Run to Whisky Run contributory to West Branch of the Susquehanna River. Application received November 25, 1998.

**17980126.** **K & J Coal Co., Inc.** (P. O. Box 189, Westover, PA 16692), commencement, operation and restoration of a bituminous surface mine-auger permit in Chest Township, **Clearfield County** affecting 146 acres. Receiving streams: Kings Run, Chest Creek and unnamed tributaries to Chest Creek. Application received December 2, 1998.

*McMurray District Office, 3913 Washington Road, McMurray, PA 15317.*

**32921301.** **Keystone Coal Mining Corp.** (P. O. Box 729, Indiana, PA 15701), to revise the permit for the Plumcreek No. 1 Mine in Atwood Township, **Armstrong County** to add 69 acres to underground mine and subsidence control plan, no additional discharges. Application received September 16, 1998.

**63981301.** **Consolidation Coal Co.** (R. D. 4, Box 425, Moundsville, WV 26041), to operate the Shoemaker Mine in West Finley Township, **Washington County**, new mine 1A-8 north bleeder airshalt in Pennsylvania from Shoemaker Mine in Ohio Enlow Fork of Wheeling Creek. Application received September 30, 1998.

**11911601.** **E. P. Bender Coal Co., Inc.** (P. O. Box 594, Main and Lehmier Sts., Carrolltown, PA 15722), to renew the permit for the Dysart Siding Tipple in Dean Township, **Cambria County**, no additional discharges. Application received October 13, 1998.

**16901604.** **Manor Coal Co.** (P. O. Box 527, Clarion, PA 16214-0527), to renew the permit for the Manor Coal Prep Plant in Beaver Township, **Clarion County**, no additional discharges. Application received October 22, 1998.

**63901701.** **Consolidation Coal Co.** (200 Hidden Valley Rd., McMurray, PA 15317), to renew the permit for the Hahn AMD Plant in Cecil Township, **Washington County**, no additional discharges. Application received November 10, 1998.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

#### *Noncoal Applications Received*

**66880301C3.** **Wyoming Sand & Stone Company** (R. R. 2, Box 100, Tunkhannock, PA 18657), correction to include NPDES (to wet processing) to an existing quarry operation in Falls Township, **Wyoming County**, affecting 49.54 acres, receiving stream Buttermilk Creek. Application received November 23, 1998.

## **APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT**

### **ENCROACHMENTS**

The following Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection (Department). Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311–1313, 1316 and 1317, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit or the approval of Environmental Assessments must submit comments, suggestions or objections within

30 days of the date of this notice as well as questions to the office noted above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the Federal Water Pollution Control Act.**

*Northeast Regional Office: Regional Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-5485.*

**E54-238A.** Encroachment. **Lake Hauto Club**, 140 Maple Terrace, Nesquehoning, PA 18240-2128. (1) To restore and maintain two existing beaches on Lake Hauto by removing accumulated sediment and placing approximately 4 inches of sand. The areas to be restored are Eastwood Beach (approximately 110 feet × 50 feet) and Oakwood Beach (approximately 200 feet × 60 feet). (2) To remove accumulated sediment to a depth of 3 feet below normal pool elevation, within a 4-foot wide area at the west end of Lake Hauto, to restore boating access to three properties. (3) To construct and maintain two docks, having overall length of 140 feet (Lakeward) at Eastwood Beach and Crescent Beach. (4) To construct and maintain four dry hydrant intake structures, three of which will be located in Lake Hauto, and one of which will be located in Birch Pool, approximately 1,500 feet north of a tributary to Lake Hauto. The project is located along the northern shoreline of Lake Hauto, north of S. R. 0054 (Tamaqua, PA Quadrangle N: 16.5 inches; W: 6.0 inches), Rush Township, **Schuylkill County** and Nesquehoning Borough, **Carbon County** (Philadelphia District, U. S. Army Corps of Engineers).

*Southeast Regional Office: Program Manager, Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**E46-825.** Encroachment. **McBlynn Lodging**, 333 W. Lancaster Avenue, Wayne, PA 19087. To operate and maintain a 270 foot long stream enclosure consisting of a 60-inch RCP along an unnamed tributary to the Plymouth Creek for the purpose of constructing a parking lot for the proposed Hampton Inn Hotel. The site is located approximately 3,000 feet north of the intersection of Ridge Pike and Chemical Road (Norristown, PA Quadrangle, N: 18.25-inches; W: 5.75 inches) in Plymouth Township, **Montgomery County**.

*Southcentral Regional Office: Section Chief, Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.*

**E05-271.** Encroachment. **West Providence Township**, Donald Wilt, 81 East Fifth Avenue, Everett, PA 15537. To remove the existing culvert and to construct and maintain a 6-foot by 4-foot box culvert with a length of 24 feet at the channel of Bloody Run on T-602 (Edward Street) located on the west side of PA 26 about 1,200 feet north of the PA 26 and US 30 overpass (Everett East, PA Quadrangle N: 5.58 inches; W: 17.18 inches) in West Providence Township, **Bedford County**.

**E07-304.** Encroachment. **Tyrone Borough**, 1100 Logan Avenue, Tyrone, PA 16686. To construct and maintain two generation tanks and two final classifiers in the floodplain of the Little Juniata River as part of additions and alterations to the Tyrone Borough Wastewater Treatment Plant located about 1.0 mile west of the I-99 Interchange at Tyrone (Tyrone, PA Quadrangle N: 7.0 inches; W: 13.3 inches) in Snyder Township, **Blair County**.

**E36-663.** Encroachment. **Mount Joy Township**, Jack Hodge, 159 Merts Drive, Elizabethtown, PA 17022. To remove the existing structure and to construct and maintain a reinforced box culvert having a 14-foot span with a 6-foot rise, including gabion blanket channel lining protection at the inlet and outlet culvert ends in a tributary to Little Chickies Creek (called Shell's Run) located on Trail Road (Elizabethtown, PA Quadrangle N: 10.6 inches; W: 4.75 inches) in Mount Joy Township, **Lancaster County**.

*Northcentral Region: Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Suite 101, Williamsport, PA 17701.*

**E17-325.** Encroachment. **Gulich Township Supervisors**, Smithfield, PA 16680. To construct and maintain two foot bridges with a width of 4 feet and span of 54 feet across Little Muddy Run with one bridge located 150 feet below the Janesville Dam and the other bridge located 1,600 feet above the dam in Mountz Memorial Community Park (Ramey, PA Quadrangle N: 1.1 inches; W: 7.0 inches) in Gulich Township, **Clearfield County**. Estimated stream disturbance is 60 feet. This stream is designated high quality coal water fishery.

**E19-183.** Encroachment. **Claire C. Hock, Jr.**, 200 Montour Blvd., Bloomsburg, PA 17815. The applicant proposes to place and maintain fill in 0.086-acre of Montour Run floodway and 0.099-acre of wetlands associated to Montour Run for the expansion of an existing commercial facility. The Montour Run basin is designated as a cold water fishery. The fill placement shall not exceed a maximum elevation of 490-feet and will have a minimum side slope of 1 foot vertical to 3 feet horizontal. The project will not impact the waterway while impacting 0.099 acre of wetland that is located along the eastern right-of-way of S. R. 0011 approximately 200-feet west of the intersection of T-408 and S. R. 0011 (Catawissa, PA Quadrangle N: 19.5 inches; W: 15.0 inches) in Montour Township, **Columbia County**. The applicant also proposes to install a stormwater outfall and the removal of fill from 0.017 acre that is located in the Montour Run floodway. The applicant proposes to contribute to the National Fish and Wildlife Foundation, Pennsylvania Wetland Replacement Fund, in lieu of the construction of 0.099 acre of replacement wetland.

**E19-184.** Encroachment. **United Water of Pennsylvania**, Bloomsburg Operations, 1113 Old Berwick Road, P. O. Box 364, Bloomsburg, PA 17815-0364. To place and maintain fill in the floodway of Fishing Creek to provide access to a water treatment facility. The fill operation shall consist of placing 2,000 cubic feet of clean, angular and nonerodible stone in the floodway that will not impact wetlands or the waterway which is located along the eastern right-of-way of S. R. 0011 approximately 1,300-miles west of the intersection of Creek Road and S. R. 0011 (Bloomsburg, PA Quadrangle N: 0.75 inch; W: 12.0 inches) Hemlock Township, **Columbia County**.

**E41-440.** Encroachment. **Howard A. Engel**, R. R. 4, Box 11, Williamsport, PA 17701. To repair and maintain

an existing bridge with a span of 6 feet and underclearance of 5 feet across Little Gap Run located on T-688 approximately 0.75 mile north of SR 973 (Salladasburg, PA Quadrangle N: 16.25 inches; W: 3.50 inches) in Lycoming Township, **Lycoming County**. Estimated stream disturbance is 20 feet; stream. Classification is high quality cold water fishery.

**E53-320.** Encroachment. **Harrison Township Supervisors**, P. O. Box 92, Harrison Valley, PA 16927. The applicant proposes to remove an existing structure and to construct, operate and maintain a road crossing that will carry T-408 across Marsh Creek: a cold water fishery. The road crossing shall be constructed with a single corrugated metal culvert pipe. The culvert pipe shall have a minimum diameter of 10-feet and a minimum length of 30-feet which will not impact wetlands while impacting 45-linear feet of waterway. The road crossing is located along the northern right-of-way of S. R. 0049 approximately 200-feet north of the intersection of S. R. 1010 and T-480 (Harrison Valley, PA Quadrangle N: 15.2 inches; W: 10.4 inches) Harrison Township, **Potter County**.

**E60-136.** Encroachment. **2244 Associates**, 148 Sheraton Drive, New Cumberland, PA 17070. The applicant proposes to remove an existing structure and to construct, operate and maintain a road crossing in an unnamed tributary to the West Branch, Susquehanna River (a warm water fishery) for access to a commercial facility. The road crossing shall be constructed with two arched plate culvert pipes. Each culvert pipe shall have a minimum rise of 16.42-feet, a minimum span of 9.08-feet and a maximum length of 45.0-feet which will not impact wetlands while impacting 100-feet of waterway. The road crossing is located along the southern right-of-way of S. R. 0080 approximately 1,800-feet south of the intersection of S. R. 0015 and S. R. 0080 (Allenwood, PA Quadrangle N: 8.0 inches; W: 0.3 inch) in White Deer Township, **Union County**. This permit also authorizes the installation of 1,200-square feet of rip rap outlet protection.

*Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E04-261.** Encroachment. **Pennsylvania Department of Transportation, Engineering District 11-0**, 45 Thoms Run Road, Bridgeville, PA 15017. To remove the existing bridge and to construct and maintain a new bridge having a span of 30.60 feet with an underclearance of 6.19 feet across Little Traverse Creek (WWF). The bridge is located on S. R. 0030, approximately 300 feet southeast from the intersection of S. R. 0030 and S. R. 3023 (Aliquippa, PA Quadrangle N: 3.0 inches; W: 16.0 inches) in Independence Township, **Beaver County**.

**E65-715.** Encroachment. **Pennsylvania Department of Transportation, Engineering District 12-0**, P. O. Box 459, Uniontown, PA 15401. To remove the existing structure and to construct and maintain a 5.49m x 2.05m concrete box culvert in Saxman Run (WWF) with its invert depressed by 0.305m below the stream bed located on S. R. 0982, Section P01, Station 0+196.5 (Derry, PA Quadrangle N: 12.5 inches; W: 13.5 inches) in Derry Township, **Westmoreland County**.

**E02-1254.** Encroachment. **Urban Redevelopment Authority of Pittsburgh**, 200 Ross Street, Pittsburgh, PA 15219. To place and maintain fill in the flood plain along the left bank side of the Monongahela River, for a distance of approximately 3,150 feet for the purpose of developing a 115 acre site for proposed residential, retail, entertainment, office, research and development and flex distribution. The site is located on the northeast side of

Carson Street between 25th Street and 34th Street, near river mile 3.5 (Pittsburgh East, PA Quadrangle N: 8.4 inches; W: 11.4 inches) in the City of Pittsburgh, **Allegheny County**.

## WATER ALLOCATIONS

**Applications filed under the act of June 24, 1939 (P. L. 842, No. 365) (32 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of this Commonwealth.**

*Southcentral Regional Office: Field Operations, Sanitarian Regional Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4708.*

**WA 36-1009.** Water Allocation. **Leola Sewer Authority, Lancaster County**. The applicant is requesting the right to purchase 220,000 gallons per day (gpd), based on a 30-day average, with a maximum daily flow of 310,000 gpd from the City of Lancaster Authority.

*Southwest Regional Office: Regional Manager, Water Supply Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**WA2-1004A.** Water Allocation. **East Deer Township, Allegheny County**. The applicant is requesting the right to purchase 395,000 gpd from Tarentum Borough Water Department and 144,000 gpd on an emergency basis from Fawn-Frazer Joint Water Authority, Allegheny County.

## ACTIONS

### FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### National Pollution Discharge Elimination System Program (NPDES)]

#### DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

##### (Part I Permits)

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications and requests for plan approval and has issued the following significant orders.

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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**Industrial waste and sewerage actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).**


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*Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.*

**Permit No. 3998404.** Sewerage. **Lehigh Carbon Community College**, 4525 Education Park Drive, Schnecksville, PA 18078. Permit to modify an existing extended aeration sewage treatment plant, located in North Whitehall Township, **Lehigh County**.

**Permit No. 4898403.** Sewerage. **Michael Alkhal**, Director of Public Works, City of Bethlehem, 10 East Church Street, Bethlehem, PA 18018. Permit to construct a screening chamber on existing 48" overflow line, located in the City of Bethlehem, **Northampton County**.

**NPDES Permit No. PA-0061689.** Sewerage. **Foster Township**, P. O. Box 465, Freeland, PA 18224 is authorized to discharge from a facility located in Foster Township, **Luzerne County**, to an unnamed tributary of the Lehigh River.

**NPDES Permit No. PA-0051594.** Sewerage. **Lois Owens**, 986 Woodland Drive, Walnutport, PA 18088 is authorized to discharge from a facility located in Lehigh Township, **Northampton County**, to an unnamed tributary to Bertsch Creek.

**NPDES Permit No. PA-0062448.** Sewerage. **Helen Judge, c/o Sanford D. Beecher, Esquire**, 402 Broad Street, Milford, PA 18337 is authorized to discharge from a facility located in Dingman Township, **Pike County**, to Nitche Pond.

*Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-6130.*

**NPDES Permit No. PA0054925.** Industrial waste. **The SICO Company**, 15 Mount Joy Street, Mount Joy, PA 17522 is authorized to discharge from a facility located at Turkey Hill Minit Market—GWCU located in Douglass Township, **Montgomery County** into Dry Swale to Minister Creek.

**WQM Permit No. 0998418.** Sewerage. **Warrington Township**, 852 Easton Road, Warrington, PA 18976. This project is for the construction and operation of a new pump station and associated force main required to extend public sewer service to a proposed residential (Legacy Oak Development aka Nolen Tract) located in Warrington Township, **Bucks County**.

**WQM Permit No. 4698439.** Sewerage. **Whitpain Township**, 960 Wentz Road, Blue Bell, PA 19422. This project is for the construction and operation of pump station and forcemain to serve nine lots of Devonshires residential subdivision located in Whitpain Township, **Montgomery County**.

**NPDES Permit No. PA0051802.** Industrial waste. **Brown Printing Company**, 668 Gravel Pike East, Greenville, PA 18041-2199 is authorized to discharge from a facility located in Upper Hanover Township, **Montgomery County** into an unnamed tributary to Perkiomen Creek.

**NPDES Permit No. PA0051772.** Sewage. **St. Garbriel's Hall**, P. O. Box 7280, Audubon, PA 19407 is authorized to discharge from a facility located in Lower Providence Township, **Montgomery County** into dry swale tributary to Schuylkill River.

**NPDES Permit No. PA0023256.** Sewage. **Upper Gwynedd Township**, P. O. Box 1, West Point, PA 19486 is authorized to discharge from a facility located in Upper Gwynedd Township, **Montgomery County** into Wisahickon Creek.

**NPDES Permit No. PA0051985, Amendment No. 1.** Sewage. **Township of Horsham Sewer Authority**, 617B Horsham Road, approval to amend the existing permit for the modification to replace chlorine system with U. V. disinfection at the Park Creek Sewage treatment plant located in Horsham Township, **Montgomery County**.

**WQM Permit No. 0998414.** Sewerage. **Bucks County Water and Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976, approval for the construction and operation of a sanitary sewer to serve the proposed Summer Hill and Summer Meadows residential development located in Plumstead Township, **Bucks County**.

**WQM Permit No. 0998410.** Sewerage. **Frontier Wood Products**, 1025 N. West End Boulevard, Quakertown, PA 18951, approval for the construction of sewage treatment plant serving Frontier Wood Products located in Richland Township, **Bucks County**.

*Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.*

**WQM Permit No. 2598415.** Sewerage, **Bill and Nadine Powell, SRSTP**, 6853 Katahdin Dr., Poland, OH 44514. Construction of Bill and Nadine Powell SRSTP located in Harborscreek Township, **Erie County**.

**WQM Permit No. 1098411.** Sewerage, **William M. Schreiner, SRSTP**, 3258 William Flynn Hwy., Slippery Rock, PA 16057. Construction of William M. Schreiner SRSTP located in Slippery Rock Township, **Butler County**.

**WQM Permit No. 4398419.** Sewerage, **William F. Williams, SRSTP**, 54 Grange Rd., New Wilmington, PA 16142. Construction of William F. Williams SRSTP located in Shenango Township, **Mercer County**.

**WQM Permit No. 2598416.** Sewerage, **Joshua D. Trayer, SRSTP**, 44 Maplenut Ln., Erie, PA 16510. Construction of Joshua D. Trayer SRSTP located in Venango Township, **Erie County**.

#### INDIVIDUAL PERMITS

##### (PAS)

The following NPDES Individual Permits for discharges of stormwater from construction activities have been issued.

*Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-6130.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County Municipality</i>	<i>Receiving Stream</i>
PAS10-G335	J. Lowe and Associates, Inc. c/o D. Fickler Construction 55 Country Club Road Downingtown, PA 19335-3062	Uwchlan Township Chester County	Shamona Creek

*Northeast Regional Office: Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10Q160	Hale X. Trailer Brake & Wheel 5361 Oakview Dr. Allentown, PA 18106-0305	Lehigh County Upper Macungie Township	Cedar Creek
PAS10S005-R	Fawn Ridge Estates Corp. 18 Scenic Dr. Blakeslee, PA 18610	Monroe County Tobyhanna Township	Stony Run

**PAS-10-Y043.** Individual NPDES. **J. A. Myers Building and Development**, 160 Ram Drive, Hanover, PA 17331. To implement an erosion and sedimentation control plan for a housing development called Colonial Hills—Phase 10 on 55.2 acres in West Manheim and Penn Townships, **York County**. The project is located about 1 mile southeast of Parkville Village (Hanover, PA Quadrangle N: 3.8 inches; W: 10.3 inches). Drainage will be to Furnace Creek.

#### INDIVIDUAL PERMITS

(PAR)

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#### Approvals to Use NPDES and/or Other General Permits

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The following parties have submitted Notices of Intent (NOIs) for Coverage under (1) General NPDES Permit(s) to discharge wastewater into the surface waters of this Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permit(s) for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania. The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective general permit. The Department of Environmental Protection approves the following coverages under the specified General Permit.

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provision: 40 CFR 123.24.

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

#### *List of NPDES and/or other General Permit Type*

PAG-1	General Permit For Discharges From Stripper Oil Well Facilities
PAG-2	General Permit For Discharges of Stormwater From Construction Activities
PAG-3	General Permit For Discharges of Stormwater From Industrial Activities
PAG-4	General Permit For Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit For Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit For Wet Weather Overflow Discharges From Combined Sewer Systems
PAG-7	General Permit For Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit For Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-9	General Permit For Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site

*General Permit Type—PAG-2*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Lackawanna County Dalton Borough	PAR10N066	Richard Florey 1170 Winola Rd. Clarks Summit, PA 18411	Ackerly Creek	Lackawanna CD (717) 281-9495
Luzerne County Plains Township	PAR10R163	Mericle Properties 600 Baltimore Dr. Wilkes-Barre, PA 18702	Mill Creek	Luzerne CD (717) 674-7991
Luzerne County Wilkes-Barre Township	PAR10R164	Greater Wilkes-Barre Industrial Fund 2 Public Square P. O. Box 5340 Wilkes-Barre, PA 18710-5340	Susquehanna River	Luzerne CD (717) 674-7991
Jefferson Township Berks County	PAR-10-C013-R	Shearwater Group LTD Chris Kraras, President 1136 Penn Avenue Wyomissing, PA 19610	Tulpehocken Creek	Berks County CD P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533 (610) 372-4657
Lower Paxton Township Dauphin County	PAR-10-I175	Sysco Food Serv. of Central PA 3905 Coney Road Harrisburg, PA 17109	Spring Creek (West)	Dauphin County CD 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Lower Paxton Township Dauphin County	PAR-10-I153	Glincher Group, Inc. 500 Grant Street, Suite 2000 Pittsburgh, PA 15219	Beaver Creek	Dauphin County CD 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Green Township Franklin County	PAR-10-M158	Chambersburg Country Club 3646 Scotland Road Scotland, PA 17254	Conococheague	Franklin County CD 550 Cleveland Ave. Chambersburg, PA 17201 (717) 264-8074
Port Royal Borough Juniata County	PAR-10-3503	Tuscarora Manor Haubert Homes, Inc. 15 Central Blvd. Camp Hill, PA 17011	Tuscarora Creek	Juniata County CD R. R. 3, Box 302 (Smith Rd.) Mifflintown, PA 17059 (717) 436-6919
Conestoga Township Lancaster County	PAR-10-O-326	Thomas D. Grassel 91 Hill Top Drive Conestoga, PA 17516	UNT Conestoga River	Lancaster County CD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
West Lampeter Township Lancaster County	PAR-10-O-340	Harold Stumpf 1968 Old Philadelphia Pike Lancaster, PA 17502	UNT Big Spring Run Mill Creek	Lancaster County CD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
Manor Township Lancaster County	PAR-10-O-341	School Lane Hill, Inc. 2122 Marietta Avenue Lancaster, PA 17603	Little Conestoga Creek	Lancaster County CD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
Mount Joy Township Lancaster County	PAR-10-O-344	Owen E. Mummau 1311 Schwanger Road Mount Joy, PA 17022	UNT Little Chickies Creek	Lancaster County CD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361



<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
West Donegal Township Lancaster County	PAR-10-O-348	K. Murphy & Company 1991 Turnpike Road Elizabethtown, PA 17022	UNT Conoy Creek	Lancaster County CD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
Mount Joy Township Lancaster County	PAR-10-O-343	RKR Associates & Eugene Morris 113 South Market Street Elizabethtown, PA 17022	Conoy Creek	Lancaster County CD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
East Donegal Township Lancaster County	PAR-10-O-347	Wyeth Lederie Vaccines & Pedia Wasp & Biddle Streets Marietta, PA 17547	Evans Run	Lancaster County CD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
Springettsbury Township York County	PAR-10-Y344	Home Depot USA Inc. 3096 Hamilton Blvd. South Plainfield, NJ 17080	UNT to Mill Creek	York County CD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Manchester Township York County	PAR-10-Y342	First Assembly of God 2270 Susquehanna Trail York, PA 17404	UNT Codorus Creek	York County CD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
York Township York County	PAR-10-Y352	Spring Ridge Eastern Dev. & Design P. O. Box 163 Red Lion, PA 17356	Mill Creek	York County CD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Erie County Summit Township	PAR10K120	Scott's Development Co. P. O. Box 3306 Erie, PA 16508	Unnamed Tributary to Walnut Creek	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203
Bensalem Township Bucks County	PAR10-D409	Goldenberg Development Corporation 350 Sentry Parkway, Bldg. 630 Suite 300 Bleu Belle, PA 19422	Neshaminy Creek	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Northampton Township Bucks County	PAR10-D411	Council Rock School District 301 Twining Ford Road Richboro, PA	Unnamed Tributary to Neshaminy Creek	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
East Rockhill Township Bucks County	PAR10-D414	WB Homes, Inc. 538 East Main Street Lansdale, PA 19446	Three Mile Run Creek	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Concord Township Delaware County	PAR10-J125	Commonwealth Group—c/o Jeff Lang 62 Reedsday, New Castle, DE 19720	Unnamed Tributary of West Branch Chester Creek	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130

*Facility Location  
County and  
Municipality*

*Permit No.*

*Applicant Name  
and Address*

*Receiving Stream  
or Body of Water*

*Contact Office and  
Telephone No.*

Bethel Township  
Delaware County

PAR10-J131

Carl Chetty Builders, Inc.  
P. O. Box 805  
Concordville, PA 19381

Naamans Creek

Southeast Regional  
Office  
Suite 6010, Lee Park  
555 North Lane  
Conshohocken, PA 19428  
(610) 832-6130

Worcester Township  
Montgomery County

PAR10-T464

Michael Evans  
320 Norristown Rd.  
Horsham, PA 19044

Tributary to  
Zachariah  
Creek and Stoney  
Creek

Southeast Regional  
Office  
Suite 6010, Lee Park  
555 North Lane  
Conshohocken, PA 19428  
(610) 832-6130

Lower Gwynedd  
Township  
Montgomery County

PAR10-T434

The Roasen Organization  
3625 Welsh Rd.  
Willow Grove, PA 19090

Unnamed  
Tributary to  
Wissahickon Creek

Southeast Regional  
Office  
Suite 6010, Lee Park  
555 North Lane  
Conshohocken, PA 19428  
(610) 832-6130

Conshohocken Borough  
Montgomery County

PAR10-T491

Six Oliver Tower  
Corporation  
100 Front St.  
West Conshohocken, PA

Schuylkill River

Southeast Regional  
Office  
Suite 6010, Lee Park  
555 North Lane  
Conshohocken, PA 19428  
(610) 832-6130

*General Permit Type—PAG-3*

*Facility Location  
County and  
Municipality*

*Permit No.*

*Applicant Name  
and Address*

*Receiving Stream  
or Body of Water*

*Contact Office and  
Telephone No.*

Hazle Township  
Luzerne County

PAR202235

Raj Pawar  
Summit Manufacturing  
225 Kiwanis Boulevard  
Valmont Industrial Park  
West Hazleton, PA 18201

Black Creek  
(Drainage Basin  
Only)

Northeast Region  
Water Management  
2 Public Square  
Wilkes-Barre, PA  
18711-0790  
(717) 826-2553

Hazleton Township  
Luzerne County

PAR142207

Doug B. Endicott  
Inland Paperboard and  
Packaging, Inc.  
P. O. Box G  
Hazleton, PA 18201

Tomhicken Creek

Northeast Region  
Water Management  
2 Public Square  
Wilkes-Barre, PA  
18711-0790  
(717) 826-2553

*General Permit Type—PAG-4*

*Facility Location  
County and  
Municipality*

*Permit No.*

*Applicant Name  
and Address*

*Receiving Stream  
or Body of Water*

*Contact Office and  
Telephone No.*

Beaver County  
New Sewickley  
Township

PAG046160

H. Dale Musgrave  
140 Brewer Road  
Freedom, PA 15042

UNT of Snake  
Run

Southwest Regional  
Office:  
Water Management  
Program Manager  
400 Waterfront Drive  
Pittsburgh, PA  
15222-4745  
(412) 442-4000

Allegheny County  
Richland Township

PAG046161

Eugene Ardine and Johan  
Benson  
5090 SW 64th Avenue,  
104-B  
Davie, FL 33314

UNT of Crouse  
Run

Southwest Regional  
Office:  
Water Management  
Program Manager  
400 Waterfront Drive  
Pittsburgh, PA  
15222-4745  
(412) 442-4000

*Facility Location  
County and  
Municipality*

*Permit No.*

*Applicant Name  
and Address*

*Receiving Stream  
or Body of Water*

*Contact Office and  
Telephone No.*

Shenango Township  
Mercer County

PAG048556

William F. Williams  
54 Grange Rd.  
New Wilmington, PA 16142

Tributary  
Shenango River

Northwest Region  
Water Management  
230 Chestnut St.  
Meadville, PA  
16335-3481  
(814) 332-6942

Slippery Rock  
Township  
Butler County

PAG048558

William F. Schreiner  
3258 William Flynn  
Highway  
Slippery Rock, PA 16057

Tributary of  
Slippery  
Rock Creek

Northwest Region  
Water Management  
230 Chestnut St.  
Meadville, PA  
16335-3481  
(814) 332-6942

Venango Township  
Erie County

PAG048553

Joshua D. Trayer  
44 Maplenut Lane  
Erie, PA 16510

Unnamed  
Tributary  
of West Branch  
of French Creek

Northwest Region  
Water Management  
230 Chestnut St.  
Meadville, PA  
16335-3481  
(814) 332-6942

*General Permit Type—PAG-5*

*Facility Location  
County and  
Municipality*

*Permit No.*

*Applicant Name  
and Address*

*Receiving Stream  
or Body of Water*

*Contact Office and  
Telephone No.*

Monroe County  
Chestnuthill Township

PAG-052205

Hickey Management Co.  
P. O. Box 448  
Stroudsburg, PA 18360

Pohopoco Creek

Northeast Regional  
Office  
2 Public Square  
Wilkes-Barre, PA  
18711-0790  
(717) 826-2553

## SAFE DRINKING WATER

### **Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).**

*Southeast Regional Office: Sanitarian Regional Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-6130.*

**Permit No. 1598512.** Public water supply. **University of Pennsylvania, New Bolton Center**, 382 West Street Road, Kennett Square, PA 19348. A permit has been issued to The University of Pennsylvania granting permission to improve the corrosion control system by adding pH adjustment and phosphate corrosion inhibitor to its water supply system in East Marlborough Township, **Chester County**.

*Type of Facility:* Public Water Supply System.

*Consulting Engineer:* Tatman and Lee Associates, Inc., 171 South Main Street, Doylestown, PA 18901.

*Permit to Construct Issued:* November 23, 1998.

*Regional Office: Northcentral Field Operations, Environmental Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.*

**A. 1298501.** The Department issued an operating permit to **Emporium Water Company** (R. D. 4, Box 488, Emporium, PA 15834; Emporium Borough, **Cameron County**) for operation of the recently constructed booster chlorination facilities at the Towner Run Booster Pump Station.

*Southwest Regional Office: Regional Manager, Water Supply Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**Permit No. 1198502.** Public water supply. **Blacklick Valley Municipal Authority**, P. O. Box 161, Vintondale, PA 15961.

*Type of Facility:* Booster chlorination station, transmission and distribution system.

*Permit to Construct Issued:* November 24, 1998.

**Permit No. 6375501-A1.** Public water supply. **Authority of the Borough of Charleroi**, 325-327 McKean Avenue, P. O. Box 211, Charleroi, PA 15022-0211.

*Type of Facility:* Fallowfield, Oakland and Maple Avenue Pump Station improvements.

*Permit to Construct Issued:* November 19, 1998.

**Permit No. 0498502.** Public water supply. **Harshbarger Mobile Home Park**, P. O. Box 24509, Pittsburgh, PA 15234.

*Type of Facility:* Harshbarger Mobile Home Park.

*Permit to Construct Issued:* November 19, 1998.

**Permit No. 0497504.** Public water supply. **Borough of Ambridge Water Authority**, 600 Eleventh Street, Ambridge, PA 15003.

*Type of Facility:* Highland Avenue Tank.

*Permit to Operate Issued:* November 17, 1998.

**Permit No. 5698503-E.** Public water supply. **Conemaugh Township Municipal Authority**, 113 South Main Street, Box 429, Davidsville, PA 15928.

*Type of Facility:* Use of the intake on the unnamed tributary to Benscreek.

*Permit to Operate Issued:* November 19, 1998.

**Permit No. 1196504.** Public water supply. **Greater Johnstown Water Authority**, 111 Roosevelt Boulevard, Johnstown, PA 15907.

*Type of Facility:* Viewmont Booster Pump Station.

*Permit to Operate Issued:* November 17, 1998.

## **HAZARDOUS SITES CLEANUP**

**Under the Act of October 18, 1988**

**Proposed Consent Decree**

**Millcreek Dump Site**

**Millcreek Township, Erie County**

Under section 122 of the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C.A. § 9622, and section 1113 of the Hazardous Sites Cleanup Act (35 P. S. § 6020.1113), notice is hereby provided that the Department of Environmental Protection (Department) has entered into a Consent Decree concerning settlement of the Department's Complaint against Kondu Corporation (Kondu). The Department's Complaint concerns the response costs that the Department has incurred and will incur to clean up the Millcreek Dump Site in Erie County, PA. The Department's Complaint is filed in the United States District Court for the Western District of Pennsylvania, at Doc. No. 93-297 (Erie).

The Department has incurred over \$700,000 in past response costs, and estimates that it will incur over \$4 million in response costs in the future at the Millcreek Dump Site. However, based upon Kondu's limited ability to pay, the Department has agreed to settle its Complaint against Kondu for \$130,000. The specifics of the Department's settlement with Kondu are set forth in the Consent Decree.

The Department will receive and consider comments relating to the Consent Decree for 60 days from the date of this public notice. The Department has the right to withdraw its consent to the Consent Decree if the comments concerning the Consent Decree disclose facts or considerations which indicate that the Consent Decree is inappropriate, improper, inadequate or not in the public interest. After the public comment period, the Department's settlement with Kondu shall become final upon the filing of the Department's response to significant written comments to the Consent Decree and upon the United States District Court's approval of the Consent Decree.

Copies of the Consent Decree are available for inspection at the Department's office at 230 Chestnut Street, Meadville, PA and at the United States District Court-house in Erie, PA. Comments may be submitted, in writing, to Hal Beavers, Project Manager, Department of Environmental Protection, Hazardous Sites Cleanup, 230 Chestnut Street, Meadville, PA 16335-3481. Further information may be obtained by contacting Hal Beavers at (814) 332-6648. TDD users may contact the Department through the Pennsylvania Relay Service at (800) 645-5984.

### **Notice of Further Investigation**

**Mays/Phillips Lane Site**

**Robinson Township, Allegheny County**

The Department of Environmental Protection (Department) under the authority of the Hazardous Sites

Cleanup Act (35 P. S. § 6020.101 et seq.) (HSCA), has proposed a further investigation response at the Mays Phillips Lane site.

The Mays Phillips Lane site is located in Robinson Township, Allegheny County, off of Phillips Lane. The property consists of approximately 38 acres and was the former location of the terminal for the Mays Corporation. Wastes were illegally buried throughout the property. Contaminated groundwater seeps can be observed along the hillsides in several different locations on the property. Wastes are also present on the surface of the ground. Samples taken from the seeps and site soils have detected the following contaminants: Benzene, Ethyl-benzene, Isopropyl benzene, n-Propylbenzene, Styrene, Naphthalene, Toluene, m/p-Xylenes, o-Xylenes, 1,3,5-Trimethyl Benzene, 1,2,4-Trimethyl Benzene, 4-Isopropyl Toluene, n-Butyl Benzene, Methyl-t-Butyl Ether, Anthracene, Trichloroethane, Flouranthene, Flourene, Pyrene, Phenanthrene, Benzo(a)anthracene, Benzo(k)flouranthene and Chrysene.

The Department intends to conduct a site investigation at the Mays Phillips Lane Site (site) to determine the extent of contamination, type, nature and volume of waste that exists at the site. The investigation will determine the depths and lateral extent of contaminated soils, location and volume of buried waste, the characterization of the groundwater aquifers and qualify any threat posed by the site. The Department will use the information from the investigation to determine if the site poses a threat to human health and the environment and if necessary, what remediation is appropriate for this site.

The Department considered the following alternatives for the investigation of this site: 1) No Action, 2) Further Investigation.

Alternative 2 is proposed by the Department because past samples from the site soils and groundwater seeps indicate that illegal disposal activities have taken place on this property. Upon completion of the investigation, the Department should have sufficient information to determine if additional remediation is needed and the most efficient and appropriate methods to complete the remediation of this site.

This notice is being provided under section 506(b) of the Hazardous Sites Cleanup Act (35 P. S. § 6020.506(b)). The administrative record which contains the information that forms the basis and documents the selection of this response action is available for public review and comment. The administrative record is located at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745 and is available for review from 8 a.m. to 4 p.m.

The administrative record will be open for comment from December 19, 1998, to March 19, 1999. Persons may submit written comments into the record during this time only, by sending the comments to Terry Goodwald at 400 Waterfront Drive, Pittsburgh, PA 15222-4745 or by delivering the comments to the Department's Southwest Regional Office at the address listed previously.

In addition, persons may present oral comments, for inclusion in the record, at a public hearing. The Department has scheduled the hearing on February 11, 1999, at 7 p.m. at Robinson Township Municipal Building, 1000 Churchhill Road, Pittsburgh, PA 15205, (412) 788-8120. Persons wishing to present oral comments must register with Rita Zettelmayer before February 8, 1999, at (412) 442-4000 or in writing to Terry Goodwald, Pennsylvania DEP, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Persons with a disability who wish to attend the meeting and/or comment, and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Caitlyn Murphy directly at (412) 442-4000 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

### Preamble 3

**The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of any final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning the final report, contact the Environmental Cleanup Program in the Department's Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

*Southeast Regional Office: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.*

**Oslou Corporation**, Lower Merion Township, **Montgomery County**. Terrence J. McKenna, P. E., Keating Environmental Management, Inc., 479 Thomas Jones Way, Suite J, Exton, PA 19341-2552, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standards.

**Collegeville Associates, L. P.**, Collegeville Borough, **Montgomery County**. Darryl D. Borrelli, Manko, Gold & Katcher, Suite 500, 401 City Avenue, Bala Cynwyd, PA 19004, has submitted a Final Report concerning remediation of site soil contaminated with lead, solvents, BTEX and petroleum hydrocarbons; and groundwater contaminated with solvents, BTEX and petroleum hydrocarbons. The report is intended to document remediation of the site to meet site-specific standards.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

### Preamble 4

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908) and Chapter 250 Administration of Land Recycling Program**

Provisions of 25 Pa. Code § 250.8 Administration of Land Recycling Program requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the Act 2 (Land Recycling and Environmental Remediation Standards Act) remediation standards. Plans and reports required by provisions of Act 2 for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of reuse of the property, and in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program in the Department's Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has acted upon the following plans and reports:

*Southeast Regional Office: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.*

**Phoenixville Technical Center**, Schuylkill Township, **Chester County**. Paul White, P. G., Walter B. Satterthwaite Associates, Inc., 720 Old Fern Hill Road, West Chester, PA 19380, has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with BTEX and polycyclic aromatic hydrocarbons. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on November 23, 1998.

*Northeast Regional Field Office: Joseph Brogna, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.*

**Wirth Property (2407 Sycamore Street)**, Wilson Borough, **Northampton County**. David Crowther, Geologist, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103 submitted a Final Report (on behalf of his client, Barclay Contracting, Inc., 1040 North Jerome Street, Allentown, PA 18103) concerning the remediation of site soils found to have been contaminated with BTEX (benzene, toluene, ethylbenzene and xylene) compounds and polycyclic aromatic hydrocarbons. The final report demonstrated attainment of the Statewide human health standard, and was approved by the Department on November 30, 1998.

*Southcentral Regional Office: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.*

**Distribution Pole 20792S32110**. Mechanicsburg Borough, **Cumberland County**. **PP&L, Inc.**, Two North Ninth Street, Allentown, PA 18101-1179 submitted a final report concerning the remediation of site soils contaminated with PCBs. The final report demonstrated attainment of the Statewide health standard, and was approved by the Department on December 1, 1998.

**Distribution Pole 24283S34328**. Harrisburg City, **Dauphin County**. **PP&L, Inc.**, Two North Ninth Street, Allentown, PA 18101-1179 submitted a final report concerning the remediation of site soils contaminated with PCBs. The final report demonstrated attainment of the Statewide health standard, and was approved by the Department on December 1, 1998.

**Distribution Pole 26172S35238**. Lower Paxton Township, **Dauphin County**. **PP&L, Inc.**, Two North Ninth Street, Allentown, PA 18101-1179 submitted a final report concerning the remediation of site soils contaminated with PCBs. The final report demonstrated attainment of the Statewide health standard, and was approved by the Department on December 1, 1998.

**Distribution Pole 26181S36799**. Lower Paxton Township, **Dauphin County**. **PP&L, Inc.**, Two North Ninth Street, Allentown, PA 18101-1179 submitted a final report concerning the remediation of site soils contaminated with PCBs. The final report demonstrated attainment of the Statewide health standard, and was approved by the Department on December 1, 1998.

**Distribution Pole 28544S35576**. South Hanover Township, **Dauphin County**. **PP&L, Inc.**, Two North Ninth Street, Allentown, PA 18101-1179 submitted a final report concerning the remediation of site soils contaminated with PCBs. The final report demonstrated attainment of the Statewide health standard, and was approved by the Department on December 1, 1998.

**Distribution Pole 25115S38029**. Middle Paxton Township, **Dauphin County**. **PP&L, Inc.**, Two North Ninth Street, Allentown, PA 18101-1179 submitted a final report concerning the remediation of site soils contaminated with PCBs. The final report demonstrated attainment of the Statewide health standard, and was approved by the Department on December 1, 1998.

**Distribution Pole 40141S26711**. Lancaster City, **Lancaster County**. **PP&L, Inc.**, Two North Ninth Street, Allentown, PA 18101-1179 submitted a final report concerning the remediation of site soils contaminated with PCBs. The final report demonstrated attainment of the Statewide health standard, and was approved by the Department on December 1, 1998.

**Distribution Pole 35066S25565**. Columbia Borough, **Lancaster County**. **PP&L, Inc.**, Two North Ninth

Street, Allentown, PA 18101-1179 submitted a final report concerning the remediation of site soils contaminated with PCBs. The final report demonstrated attainment of the Statewide health standard, and was approved by the Department on December 2, 1998.

**Former Conrad's Delicatessen**, City of York, **York County**. York Hospital Federal Credit Union, 1001 South George Street, York, PA 17405 submitted a baseline environmental report concerning the remediation of site soils and groundwater contaminated with BTEX, PAHs and PHCs. The site is being remediated as a special industrial area. The baseline environmental report was approved by the Department on November 20, 1998.

## SOLID AND HAZARDOUS WASTE

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Permits revoked under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations to operate solid waste processing or disposal area or site.**

*Southcentral Regional Office: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4706.*

**Permit No. 100944. Lanchester Landfill, Chester County Solid Waste Authority** (P. O. Box 476, Honey Brook, PA 19344). This permit has been revoked at the applicant's request which was issued August 5, 1998 for permit modification for gas demonstration for a site in Caernarvon and Honey Brook Township, **Lancaster County**. Permit revoked in the Regional Office October 27, 1998. This was published incorrectly in the *Pennsylvania Bulletin* November 21, 1998.

**Permits terminated under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations to operate solid waste processing or disposal area or site.**

*Southwest Regional Office: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**Permit ID No. PAD060682622. General Electric Company**, 540 Mayer Street, Bridgeville, PA 15017. Operation of a hazardous waste storage facility in Collier Township, **Allegheny County**. Permit terminated in the Regional Office on November 30, 1998.

## AIR QUALITY

### OPERATING PERMITS

**General Plan Approval and Operating Permit issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**46-302-217GP: Penco Products, Inc.** (99 Brower Avenue, Oaks, PA 19456) issued for a small gas and No. 2 oil fired boiler in Upper Providence Township, **Montgomery County**.

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**GP1-67-03050: Caterpillar Inc.** (600 Memory Lane, York, PA 17405) issued use of the general permit for two natural gas/No. 2 oil fired combustion units in Springettsbury Township, **York County**.

**GP4-67-3051: Swam Electric Co., Inc.** (490 High Street, Hanover, PA 17331) issued use of the general permit for burn off ovens in Hanover Borough, **York County**.

*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.*

**GP5-17-10: Fairman Drilling Co.** (P. O. Box 288, Dubois, PA 15801) issued November 23, 1998, to construct and operate a 190 horsepower natural gas-fired reciprocating internal combustion engine and associated air cleaning device (a catalytic converter) as well as a natural gas dehydrator under the General Plan Approval and General Operating Permit for Natural Gas Production Facilities (BAQ-GPA/GP5) at the Kuntz Station in Greenwood Township, **Clearfield County**.

**GP3-41-01A: Glenn O. Hawbaker, Inc.** (450 East College Avenue, Bellefonte, PA 16823) issued November 23, 1998, to construct and operate a portable stone crushing plant and associated air cleaning devices (a fabric collector and a water spray dust suppression system) under the General Plan Approval and General Operating Permit for Portable Non-Metallic Mineral Processing Plants (BAQ-GPA/GP-3) in Armstrong Township, **Lycoming County**.

*Operating Permits Minor Modification issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.*

*Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.*

**66-303-003A: American Asphalt and Paving Co.** (500 Chase Road, Shavertown, PA 18708) for minor modification of a batch asphalt plant in Falls Township, **Wyoming County**.

**66-310-003A: American Asphalt and Paving Co.** (500 Chase Road, Shavertown, PA 18708) for minor modification of a stone crushing operation in Eaton Township, **Wyoming County**.

**Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.*

**19-317-007D: Wise Foods, Inc.** (228 Rasely Street, Berwick, PA 18603) issued November 3, 1998, for operation of a potato chip fryer and associated air cleaning device (oil mist eliminator) in Berwick Borough, **Columbia County**.

**18-318-013A: Avis America** (P. O. Box 420, Avis, PA 17721) issued November 3, 1998, for operation of a modular home manufacturing operation in Pine Creek Township, **Clinton County**.

**08-313-003C: OSRAM SYLVANIA Products, Inc.** (Hawes Street, Towanda, PA 18848-0504) issued November 3, 1998, for operation of a television phosphor furnace and associated air cleaning device (a packed bed scrubber) in Department 022, Building 10 in North Towanda Township, **Bradford County**.

**08-313-038G: OSRAM SYLVANIA Products, Inc.** (Hawes Street, Towanda, PA 18848-0504) issued November 3, 1998, for operation of a scrap tungsten crushing and screening operation and associated air cleaning devices (a cartridge collector and absolute filter) in Department 009, Building 25A in Towanda Borough, **Bradford County**.

**14-313-035A: Rutgers Organics Corp.** (201 Struble Road, State College, PA 16801) issued November 9, 1998, for operation of a chemical process facility (MMPDC intermediate) and associated air cleaning devices (various condensers, packed bed scrubbers and a regenerative thermal oxidizer) in College Township, **Centre County**.

**08-313-050A: OSRAM SYLVANIA Products, Inc.** (Hawes Street, Towanda, PA 18848-0504) issued November 12, 1998, for operation of a molybdenum alloy calciner, associated processing equipment and associated air cleaning devices (a fabric collector and an absolute filter) in Department 83, Building 41 in North Towanda Township, **Bradford County**.

**49-399-021: Arcos Alloys** (1 Arcos Drive, Mt. Carmel, PA 17851) issued November 17, 1998, for operation of a welding electrode baking furnace and associated air cleaning device (a cartridge collector) in Mt. Carmel Township, **Northumberland County**.

**60-318-009C: New Columbia Joist** (P. O. Box 31, New Columbia, PA 17856) issued November 17, 1998, for operation of a structural steel bridging surface coating operation in White Deer Township, **Union County**.

*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.*

**14-310-004B: Bellefonte Lime Co., Inc.** (P. O. Box 448, Bellefonte, PA 16823) issued November 24, 1998, for operation of a rail unloading and stone handling system and associated air cleaning device (a water spray dust suppression system) in Spring Township, **Centre County**.

**19-304-006B: Benton Foundry, Inc.** (R. R. 2, Box 110, Benton, PA 17814) issued November 24, 1998, for operation of a casting shakeout drum and associated air cleaning device (a fabric collector) in Sugarloaf Township, **Columbia County**.

*Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.*

**03-000-182: Carnegie Natural Gas Co.** (800 Regis Avenue, Pittsburgh, PA 15236) issued December 2, 1998, for installation of natural gas compressor at Fisher Station in Redbank Township, **Armstrong County**.

**OP-63-00154: Miller Centrifugal Casting Co., Inc.** (P. O. Box 456, Cecil, PA 15321) issued December 4, 1998, for installation of secondary copper production at Bishop Route 50 in Cecil Township, **Washington County**.

**OP-56-025A: New Enterprise Stone & Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664) issued December 2, 1998, for installation of jaw crusher at Bakersville Crushing Plant in Jefferson Township, **Somerset County**.

**03-000-180: CNG Transmission Corp.** (625 Liberty Avenue, Pittsburgh, PA 15222) issued December 2, 1998, for installation of IC engines at South Bend Station in South Bend Township, **Armstrong County**.

**OP-63-101A: Maple Creek Mining, Inc.** (981 Route 917, Bentleyville, PA 15314) issued December 2, 1998, for construction of coal storage area at Maple Creek Preparation Plant in New Eagle Borough, **Washington County**.

**Operating Permits transferred under the Air Pollution Control Act (35 P. S. §§ 4001—4015).**

*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.*

**60-302-008: BBA Nonwovens Simpsonville, Inc.** (P. O. Box 20, Lewisburg, PA 17837) issued November 3, 1998, for operation of a natural gas/No. 6 fuel oil fired boiler previously owned and operated by International Paper Co., Veratec Division in Kelly Township, **Union County**.

**47-310-002A: Royer Limestone Co.** (c/o HRI, Inc., P. O. Box 155, State College, PA 16804-0155) issued November 17, 1998, for operation of a stone crushing plant and associated air cleaning device (a water spray dust suppression system) previously owned and operated by Royer's Lime Quarries in Limestone Township, **Montour County**.

**PLAN APPROVALS**

**Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**PA-09-0012: Klearfold, Inc.** (364 Valley Road, Warrington, PA 18976) issued December 1, 1998, for operation of a non-heatset printing press in Warrington Township, **Bucks County**.

**PA-46-0010A: Montenay Montgomery Ltd Partnership** (1155 Conshohocken Road, Conshohocken, PA 19428) issued December 1, 1998, for operation of a carbon injection system in Plymouth Township, **Montgomery County**.

*Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.*

**39-301-080: David J. Boyko Funeral Home** (10 East Main Street, Macungie, PA 18062) issued November 18, 1998, for construction of a crematory incinerator at Fairview Cemetery, City of Allentown, **Lehigh County**.

**39-318-102: American Atelier, Inc.** (301 North Front Street, Allentown, PA 18102) issued November 23, 1998, for construction of a furniture paint spray operation, City of Allentown, **Lehigh County**.

**40-310-007B: American Asphalt and Paving Co.** (500 Chase Road, Shavertown, PA 18708) issued November 16, 1998, for modification of a stone crushing operation in Jackson Township, **Luzerne County**.

**40-399-040: Wyoming Valley Sanitary Authority** (P. O. Box 33A, Wilkes-Barre, PA 18703) issued November 18, 1998, for construction of a lime storage silo in Hanover Township, **Luzerne County**.

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**01-309-008D: Dal-Tile Corp.** (2938 York Road, Gettysburg, PA 17325) issued November 23, 1998, for installation of the hydraulic press (Flat 15) and hydraulic press (Trim 2) controlled by a pneumafill baghouse in Straban Township, **Adams County**.

**21-320-010C: Fry Communications, Inc.** (800 West Church Road, Mechanicsburg, PA 17055) issued November 20, 1998, for construction of the six-unit triple web offset press controlled by a catalytic incinerator in Mechanicsburg Borough, **Cumberland County**.

**22-03021: A. P. Green Refractories, Inc.** (105 North Wood Street, Middletown, PA 17057) issued December 1, 1998, for construction of a refractory products operation controlled by five fabric collectors in Middletown Borough, **Dauphin County**.

**36-313-030F: Warner-Lambert Co.** (400 West Lincoln Avenue, Lititz, PA 17543) issued November 23, 1998, for modification of a labeler/date imprinter operation controlled by a fabric collector in Lititz Borough, **Lancaster County**.

**38-320-002: Sowers Printing Co.** (Box 479, Lebanon, PA 17042) issued December 2, 1998, for installation of one two-unit sheetfed print press, in the City of Lebanon, **Lebanon County**.

**67-307-005C: York International Corp.** (P. O. Box 1592, York, PA 17405) issued November 24, 1998, for installation of a shot blast operation controlled by a fabric collector at their Grantley Plant in Spring Garden Township, **York County**.

**67-310-004G: Southdown, Inc.** (P. O. Box 220, Thomasville, PA 17364) issued November 30, 1998, for modification of eight plant 2 and 2A dust silos controlled by a dust collector at their Grinding Plant No. 3 in Jackson Township, **York County**.

*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.*

**14-399-009H: Murata Electronics North America, Inc.** (1900 West College Avenue, State College, PA 16801-2799) issued November 4, 1998, for construction of two ceramic chip capacitor binder removal ovens (BAO ovens) and associated air cleaning devices (two afterburners) in Ferguson Township, **Centre County**.

**OP-41-0007A: Coastal Aluminum Rolling Mills, Inc.** (2475 Trenton Avenue, Williamsport, PA 17701) issued November 6, 1998, for construction of a cold aluminum rolling mill (No. 3 mill) and associated air cleaning devices (a Busch filter system and a regenerative thermal oxidizer) in the City of Williamsport, **Lycoming County**.

**08-313-004H: OSRAM SYLVANIA Products, Inc.** (Hawes Street, Towanda, PA 18848-0504) issued November 18, 1998, for construction of a chemical process vessel (CTL-4) to be controlled by an existing packed bed scrubber in Department 046 in Towanda Borough, **Bradford County**.

**08-302-041: Cummings Lumber Co., Inc.** (P. O. Box 6, Troy, PA 16947) issued November 30, 1998, for construction of a 16.7 million btu per hour wood fired boiler and associated air cleaning device (a multiclone) in Troy Township, **Bradford County**. This boiler is subject to Subpart Dc of the Federal Standards of Performance for New Stationary Sources.



**49-399-013B: Hoeganaes Corp.** (1001 Taylor Lane, Riverton, NJ 08077) issued November 30, 1998, for construction of a powdered metal manufacturing operation and associated air cleaning devices (various cartridge collectors) in Delaware Township, **Northumberland County**.

**08-399-019C: OSRAM SYLVANIA Products, Inc.** (Hawes Street, Towanda, PA 18848-0504) issued November 30, 1998, for construction of a chemical reactor (cobalt chemical reactor) to be controlled by a condenser and an existing packed bed scrubber in Department 045, Building 25, in Towanda Borough, **Bradford County**.

*Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.*

**PA-65-602A: Derry Construction Co., Inc.** (R. D. 5, Box 34, Latrobe, PA 15650) issued December 2, 1998, for operation of asphalt batch facility at Torrance Asphalt Facility in Derry Township, **Westmoreland County**.

*Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.*

**PA-43-305A: Champion Carrier Corp.** (2755 Kirilla Road, Hermitage, PA 16148) issued November 19, 1998, for construction of a surface coating operation in Hermitage, **Mercer County**.

**33-309-017A: Owens Brockway Glass Container** (Route 219, Brockway, PA 15824) issued December 9, 1998, for modification of a glass surface treatment operation in Snyder Township, **Jefferson County**.

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**Plan Approvals extensions issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**09-303-028: Bucks County Crushed Stone Co., Inc.** (262 Quarry Road, Ottsville, PA 18942) issued December 1, 1998, for operation of a batch asphalt plant in Nockamixon Township, **Bucks County**.

**23-312-172B: Epsilon Products Co.** (Post Road & Blueball Ave., Marcus Hook, PA 19061) issued December 1, 1998, for operation of a No. 2 polypropylene manufacturing in Marcus Hook Borough, **Delaware County**.

**46-313-093C: SmithKline Beecham Research Co.** (1250 South Collegeville Road, Collegeville, PA 19486) issued December 3, 1998, for operation of a hydrogenation facility in Upper Providence Township, **Montgomery County**.

**46-313-093B: SmithKline Beecham Research Co.** (1250 South Collegeville Road, Collegeville, PA 19486) issued December 3, 1998, for operation of a chemical development facility in Upper Providence Township, **Montgomery County**.

**23-302-129A: Villanova University** (Ithan Avenue & Route 30, Villanova, PA 19085) issued December 4, 1998, for operation of heating hot water boilers in Radnor Township, **Delaware County**.

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**06-322-002: Western Berks Refuse Authority** (455 Poplar Neck Road, Birdsboro, PA 19508) issued November

20, 1998, to authorize temporary operation for a landfill gas collection system from a municipal waste landfill controlled by a flare at Site B-1, under this Plan Approval until May 31, 2000, in Cumru Township, **Berks County**.

**29-318-003B: JLG Industries, Inc.** (JLG Drive, McConnellsburg, PA 17233) issued December 3, 1998, to authorize temporary operation for a McConnellsburg Manlift Production Facility, under this Plan Approval until April 2, 1999, in Ayr Township, **Fulton County**.

**31-310-025D: U. S. Silica Co.** (P. O. Box 187, Berkeley Springs, WV 25411) issued December 1, 1998, to authorize temporary operation for a silica sandstone dry screen operation controlled by a fabric collector, under this Plan Approval until March 31, 1999, at their Keystone Plant, in Brady Township, **Huntingdon County**. These sources are subject to 40 CFR 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants.

**36-310-023D: Compass Quarries, Inc.** (47 McIlvaine Road, Paradise, PA 17562) issued November 20, 1998, to authorize temporary operation for the limestone milling plant, under this Plan Approval until March 19, 1999, in Paradise Township, **Lancaster County**. These sources are subject to 40 CFR 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants.

**36-313-030E: Warner-Lambert** (400 West Lincoln Avenue, Lititz, PA 17543) issued October 18, 1998, to authorize temporary operation for the pharmaceutical manufacturing facility, under this Plan Approval until February 14, 1999, in Lititz Borough, **Lancaster County**.

**38-318-034: Conrad Enterprises, Inc.** (P. O. Box 656, Cornwall, PA 17016) issued December 1, 1998, to authorize temporary operation for a paint spray booth controlled by dry filters, under this Plan Approval until March 30, 1999, in Cornwall Borough, **Lebanon County**.

**67-02004: P. H. Glatfelter Co.** (228 South Main Street, Spring Grove, PA 17362) issued November 20, 1998, authorizes temporary operation for the NOx and VOC RACT sources, covered under this Plan Approval until March 20, 1999, in Spring Grove Borough, **York County**.

*Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.*

**PA-11-418A: The Waylite Corp.** (R. D. 5, Easton Road, Bethlehem, PA 18015) issued November 19, 1998, for installation of torching and lancing at Park Hill Slag Bank in East Taylor Township, **Cambria County**.

**65-304-039: Derry Construction Co., Inc.** (R. D. 5, Box 34, Latrobe, PA 15650) for operation of sand removal and screening at Latrobe Plant in Latrobe Borough, **Westmoreland County**.

**PA-30-072A: Consol Pennsylvania Coal Co.** (1800 Washington Road, Pittsburgh, PA 15241) issued December 2, 1998, for construction of coal preparation plant at Bailey Prep Plant in Richhill Township, **Greene County**.

**PA-03-210A: Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) issued December 2, 1998, for construction of portable coal crushing plant at Spera Surface Mine in Cowanshannock Township, **Armstrong County**.

**Minor Modification of Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.*

**08-316-014: Masonite Corp.** (P. O. Box 311, Towanda, PA 18848) issued November 23, 1998, deadline for stack test performance on a molded hardboard press (Die Form Press) extended by 90 days in Wysox Township, **Bradford County**.

**08-302-039: Masonite Corp.** (P. O. Box 311, Towanda, PA 18848) issued December 1, 1998, various plan approval conditions were modified to waive requirements imposed under §§ 127.1 and 127.12 "best available technology" provisions (but not requirements imposed by §§ 123.11 and 123.41) during the purging of no. 2 and no. 3 wood-fired boilers in Wysox Township, **Bradford County**.

**Plan Approvals transferred under the Air Pollution Control Act (35 P. S. §§ 4001—4015).**

*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.*

**47-310-002B: Royer Limestone Co.** (c/o HRI, Inc., P. O. Box 155, State College, PA 16804-0155) issued November 17, 1998, for construction of stone crushing and conveying equipment and associated air cleaning device (a water spray dust suppression system) in Limestone Township, **Montour County**. This equipment is subject to Subpart 000 of the Federal Standards of Performance for New Stationary Sources.

## MINING

### APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

*Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.*

#### Coal Applications Issued

**56830107.** Permit Renewal for reclamation, only, **PBS Coals, Inc.** (P. O. Box 260, Friedens, PA 15541), continued restoration of a bituminous strip mine in Stonycreek Township, **Somerset County**, affecting 165.3 acres, receiving stream unnamed tributary to and Glades Creek. Application received November 16, 1998. Permit issued December 1, 1998.

**56793032.** Permit Renewal, **Action Mining, Inc.** (1117 Shaw Mines Road, Meyersdale, PA 15552), commencement, operation and restoration of a bituminous strip mine, for reclamation, only in Summit and Brothersvalley Townships, **Somerset County**, affecting 262.9 acres, receiving stream unnamed tributary to Blue Lick Creek; unnamed tributaries to Casselman River; to Blue Lick Creek. Application received November 5, 1998. Permit issued December 1, 1998.

**56930109.** Permit Renewal for Reclamation, only, **Mountaineer Mining Corporation** (1010 Garrett Shortcut Road, Berlin, PA 15530), for continued restoration of bituminous strip mine in Jenner Township, **Somerset County**, affecting 57.0 acres, receiving stream Flat Run and Roaring Run to Quemahoning Creek to Stonycreek. Application received November 30, 1998. Permit issued December 2, 1998.

*Greensburg District Office, R. D. 2, Box 603-C, Greensburg, PA 15601.*

**65980101. Ralph Smith & Son, Inc.** (R. D. 1, Box 184C, Derry, PA 15627). Permit issued for commencement, operation and reclamation of a bituminous surface mine located in Bell and Loyalhanna Townships, **Westmoreland County**, affecting 55.0 acres. Receiving streams: unnamed tributaries of Wolford Run to Wolford Run to Kiskiminetas River to Allegheny River. Application received: April 8, 1998. Permit issued: December 1, 1998.

**03960105. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Permit revised to add 16 acres to the permit area and delete 16 unaffected acres, and a road variance and stream encroachment at a surface mining site located in Cowanshannock Township, **Armstrong County**, affecting 501 acres. Receiving streams: Huskins Run and unnamed tributaries to Huskins Run. Application received: June 17, 1998. Revision issued: December 2, 1998.

**03900109R. State Industries, Inc.** (P. O. Box 1022, Kittanning, PA 16201-5022). Permit renewal issued for continued operation and reclamation of a bituminous surface/auger mine located in Kittanning Township, **Armstrong County**, affecting 92.5 acres. Receiving streams: Campbell Run. Application received: August 24, 1998. Renewal issued: December 2, 1998.

*Hawk Run District Office, P. O. Box 209, Off Empire Road, Hawk Run, PA 16840.*

**17980114. Larson Enterprises, Inc.** (P. O. Box 96, Kylertown, PA 16847), commencement, operation and restoration of a bituminous surface mine permit in Graham Township, **Clearfield County** affecting 52 acres, receiving streams: Mons Run to Alder Run to West Branch of Susquehanna River. Application received June 16, 1998. Permit issued November 18, 1998.

**17980116. King Coal Sales, Inc.** (P. O. Box 712, Philipsburg, PA 16866), commencement, operation and restoration of a bituminous surface mine permit in Cooper Township, **Clearfield County** affecting 158 acres. Receiving streams: unnamed tributary to Sulphur Run and Sulphur Run to Moshannon Creek to West Branch Susquehanna River. Application received July 13, 1998. Permit issued November 24, 1998.

**17890103. Thunder Coal Company** (R. D. 1, Box 477, Grampian, PA 16838), transfer and renewal of an existing bituminous surface mine permit from R. B. Contracting, Penn Township, **Clearfield County** affecting 101.5 acres. Receiving streams: unnamed tributaries to Kratzer Run to Anderson Creek to West Branch

Susquehanna River. Application received June 12, 1998. Permit issued November 20, 1998.

**17820151. Junior Coal Contracting, Inc.** (R. D. 3, Box 225-A, Philipsburg, PA 16866), major permit revision on an existing bituminous surface mine-auger permit for a change in permit acreage from 250.2 to 274.2 acres. Receiving streams: Millstone and Valley Fork Run to West Branch of Susquehanna River. Application received May 20, 1998. Permit issued November 23, 1998.

*Knox District Office, P. O. Box 669, Knox, PA 16232.*

**16980105. Milestone Crushed, Inc.** (R. D. 3, Box 132, Emlenton, PA 16373). Commencement, operation and restoration of a bituminous strip operation in Perry Township, **Clarion County** affecting 60.0 acres. Receiving streams: Dunlap Creek and unnamed tributary to the Allegheny River. Application received: May 26, 1998. Permit Issued: November 17, 1998.

*McMurray District Office, 3913 Washington Road, McMurray, PA 15317.*

**56851303. RoxCoal, Inc.** (2851 Stoystown Rd., P. O. Box 149, Friedens, PA 15541), to revise the permit for the Barbara 1 and 2 Mines in Stonycreek and Brothersvalley Township, **Somerset County** to add two boreholes and a 10" water line for the purpose of dewatering, no additional discharges. Permit issued November 6, 1998.

**56841306. Lion Mining Company** (P. O. Box 209, Jennerstown, PA), to renew the permit for the Grove No. 1/E-Seam Mine in Jenner Township, **Somerset County** to, no additional discharges. Permit issued November 10, 1998.

**32851302. Helvetia Coal Co.** (Box 729, Indiana, PA 15701), to revise the permit for the Lucerne No. 6E Mine in Blacklick Township, **Indiana County**, underground mine/subsidence control plan add 652 acres, delete 291 acres, no additional discharges. Permit issued November 17, 1998.

**30841313. Consolidation Coal Co.** (P. O. Box 100, Osage, WV 26543), to revise the permit for the Dilworth Mine in Jefferson Township, **Greene County**, new airshaft no. 11, tributary to South Fork of Ten Mile Creek. Permit issued November 19, 1998.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**54880202R2. Morea Cogen, Inc.** (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County**, affecting 200.8 acres, receiving stream—none. Renewal issued December 3, 1998.

**54980201. A/C Fuels Company** (P. O. Box 97, State Route 54, Nesquehoning, PA 18240), commencement, operation and restoration of an anthracite surface mine/refuse disposal, bank removal/refuse reprocessing operation including fly ash disposal, in Kline, Hazle and Banks Townships, **Schuylkill, Luzerne and Carbon Counties**, affecting 197.5 acres. Receiving stream—Hunkydory Creek and Catawissa Creek. Permit issued December 4, 1998.

*Greensburg District Office, R. D. 2, Box 603-C, Greensburg, PA 15601.*

*Coal Applications Withdrawn*

**63980104. Twilight Industries, Inc.** (Division of U. S. Natural Resources, Inc., 212 State Street, Belle Vernon, PA 15012). Application withdrawn for commencement, operation and reclamation of a bituminous mine located

in Hopewell Township, **Washington County**, that was proposed to affect 240.0 acres. Receiving streams: unnamed run to Hanen Run to Dunkle Run to Brush Run to Buffalo Creek to the Ohio River; and Hanen Run to Dunkle Run. A social and economic justification was included with this application. Application received: August 4, 1998. Application withdrawn: November 20, 1998.

*Hawk Run District Office, P. O. Box 209, Off Empire Road, Hawk Run, PA 16840.*

*Small Noncoal (Industrial Mineral) Permits Issued*

**17982801. Graham Contracting** (R. D. 1, Box 93A, Woodland, PA 16881), commencement, operation and restoration of a small industrial mineral (shale) permit in Bradford Township, **Clearfield County** affecting 3.8 acres. Receiving streams: unnamed tributary, tributary to Valley Fork Run. Application received July 7, 1998. Permit issued November 12, 1998.

*Knox District Office, P. O. Box 669, Knox, PA 16232.*

*Small Noncoal (Industrial Minerals) Permits Returned*

**10980806. Bryan W. Kelsey** (R. D. 1, Box 334, Chicora, PA 16025). Commencement, operation and restoration of a small noncoal (industrial mineral) operation in Fairview Township, **Butler County** affecting 4.6 acres. Receiving Streams: None. Application received: June 11, 1998. Application returned: November 24, 1998.

*Hawk Run District Office, P. O. Box 209, Off Empire Road, Hawk Run, PA 16840.*

*Large Industrial Mineral Permits Issued*

**08970302. State Aggregates, Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034-9454), commencement, operation and restoration of a large industrial mineral (sand and gravel) permit in Sheshequin Township, **Bradford County** affecting 181.39 acres. Receiving streams: none. Application received December 8, 1997. Permit issued November 18, 1998.

*Knox District Office, P. O. Box 669, Knox, PA 16232.*

*Noncoal Permits Issued*

**302845-37950301-E-1. Slippery Rock Materials, Inc.** (R. D. 1, Box 228, Golf Course Road, Volant, PA 16156). Application for a stream encroachment to conduct mining activities within 100 feet of unnamed tributary No. 1 to Taylor Run. Receiving streams: Unnamed tributary to Taylor Run. Application received: July 8, 1998. Permit Issued: November 17, 1998.

*Knox District Office, P. O. Box 669, Knox, PA 16232.*

*Noncoal Applications Returned*

**20980302. Mark A. See** (15086 Goodwill Road, Titusville, PA 16354). Commencement, operation and restoration of a sand and gravel operation in Oil Creek Township, **Crawford County** affecting 19.0 acres. Receiving streams: Unnamed tributary to McLaughlin Run. Application received: May 26, 1998. Application returned: December 4, 1998.

## ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

### ENCROACHMENTS

The Department of Environmental Protection (Department) has taken the following actions on previously received Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval,

and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, 400 Market Street, Floor 2, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

**Actions on applications filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P.S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).** (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

*Southeast Regional Office: Program Manager, Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**E46-819.** Encroachment Permit. **Abington Township**, 1176 Old York Road, Abington, PA 19001. To install and maintain 336 linear feet of 6-foot by 6-foot precast box culvert stream enclosure that extends from upstream of Wanamaker Road to downstream of Jenkintown Road adjacent to an existing 10-foot by 6-foot box culvert and an existing 48-inch diameter RCP stream enclosures in and along Baeder Creek (WWF). At the downstream end, 75 linear feet of this enclosure was previously constructed beneath Jenkintown Road. The project also authorizes the construction of 40 linear feet of retaining wall and the installation of R-5 riprap protection upstream of the culvert inlet. The enclosure is located (Germantown, PA Quadrangle N: 18.25 inches; W: 1.55 inches) in Abington Township, **Montgomery County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

*Northeast Regional Office: Regional Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-5485.*

**E54-248.** Encroachment. **Cass Township Board of Supervisors**, R. R. 2, Box 2232, Pottsville, PA 17901. To remove the existing structure and to construct and maintain a low-flow road crossing of the West Branch Schuylkill River, consisting of a 72-inch RCP culvert. The project is located on Thomaston Road (T-606), approximately 600 feet south of the intersection of T-606 and S. R. 4002 (Valley Road), in the Village of Heckscherville (Minersville, PA Quadrangle N: 16.9 inches; W: 3.5 inches), in Cass Township, **Schuylkill County**.

**E54-249.** Encroachment. **Minersville Sewer Authority**, 2 East Sunbury Street, Minersville, PA 17954. To construct and maintain a building addition, having overall dimensions of approximately 58 feet × 35 feet, within

the floodplain of the West Branch Schuylkill River, for the purpose of accommodating new sludge dewatering equipment at the Minersville Sewage Treatment Plant. The project is located on the east side of S. R. 0901, approximately 400 feet south of the Minersville Borough/Branch Township boundary (Minersville, PA Quadrangle N: 11.1 inches; W: 0.8 inch), in Branch Township, **Schuylkill County**.

**E64-188.** Encroachment. **Darryl Williams**, 409 Stockfarm Road, Lake Ariel, PA 18436. To excavate within the area of an existing 0.8-acre pond within the drainage basin of Wallenpaupack Creek, eliminating the existing pond, for the purpose of creating a 2.6-acre pond for recreational use. The bottom elevation of the new pond will be approximately 40 feet lower than that of the existing pond. The project is located on the western side of T-348, approximately 2,300 feet southeast of Wayne-wood Lake (Lakeville, PA Quadrangle N: 2.1 inches; W: 14.1 inches), in Salem Township, **Wayne County**. Issuance of this permit also constitutes approval of an Environmental Assessment for a nonjurisdictional dam.

**E64-191.** Encroachment. **Pennsylvania Power & Light, Inc.**, Mail Stop N-4, Two North Ninth Street, Allentown, PA 18101-1179. To (1) remove the existing structure and to construct and maintain a road crossing (A) of a Tributary to Carley Brook and adjacent wetlands, consisting of an 8.17-foot by 5.75-foot corrugated metal pipe arch culvert, and (2) construct and maintain a road crossing (C) of a Tributary to Carley Brook and 118 linear feet of adjacent wetlands, consisting of a 24-inch corrugated plastic pipe culvert in the channel and 12-inch culverts spaced at 10-foot intervals across the wetland. The project includes two additional road crossings (B and D) of streams and/or wetlands, which are authorized herein in accordance with the Department's General permit BDWM-GP-7. The overall project will impact 0.07 acre of wetlands. The purpose of the project is to improve the access roadway for maintenance of an existing aerial electric line (the West Damascus Tap Line). The project site extends from T-560 (Spry Road), at a point approximately 1,300 feet south of the intersection of T-560 and S. R. 1003, southwesterly for approximately 1 mile (Galilee, PA Quadrangle N: 5.4 inches; W: 14.2 inches), in Oregon Township, **Wayne County**. The permittee is required to provide for 0.07 acre of replacement wetlands by participating in the Pennsylvania Wetland Replacement Project.

*Southcentral Regional Office: Section Chief, Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.*

**E06-517.** Floodplain Management. **Douglass Township**, Eileen Pinder, R. D. 2, Box 503, Boyertown, PA 19512. To place fill for the construction of a pump station in the floodplain of the Schuylkill River at a point along Route 422 (Pottstown, PA Quadrangle N: 22.6 inches; W: 12.6 inches) in Douglass Township, **Berks County**. This permit was issued under Chapter 106—Floodplain Management. This permit also includes 401 Water Quality Certification.

**E22-390.** Encroachment. **PA Department of Transportation**, Engineering District 8-0, 1240 Herr Street, Harrisburg, PA 17103. To remove an existing structure and to construct and maintain a 12 foot × 7 foot concrete box culvert in the channel of Lynch Run at a point at SR 0230 Section 008 (Middletown, PA Quadrangle N: 10.75 inches; W: 5.00 inches) in Londonderry Township, **Dau-**

**phin County.** This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E28-258.** Encroachment. **Henry Guarriello**, 373 Craig Road, Greencastle, PA 17225. To construct and maintain a 128-inch by 83-inch corrugated metal pipe arch culvert at the channel of Muddy Run (HQ-CWF) to serve as a private access to residence and to construct and maintain an intake structure in Muddy Run for irrigation and replace an outfall structure for an existing pond on the right bank of Muddy Run located about 1.6 miles north of Greencastle (Greencastle, PA Quadrangle N: 11.72 inches; W: 15.0 inches) in Antrim Township, **Franklin County.** This permit also includes 401 Water Quality Certification.

**E38-122.** Encroachment. **Milan Lipensky**, 1750 Fieldcrest Drive, Lebanon, PA 17042. To construct and maintain 265 lineal feet of a 36-inch diameter pipe culvert for enclosure of a tributary to the Quittapahilla Creek for the development of a three lot subdivision located at the northwest corner of the intersection of East Maple Street and Weaver Street (Lebanon, PA Quadrangle N: 15.3 inches; W: 17.3 inches) in Annville Township, **Lebanon County.** This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E67-627.** Encroachment. **Springettsbury Township**, Paul Amic, 1501 Mt. Zion Rd., York, PA 17402. To place fill in a 0.3 acre pond for the purpose of constructing the Pleasant Valley Road extension west of Memory Lane (York, PA Quadrangle N: 20.6 inches; W: 8.6 inches) in Springettsbury Township, **York County.** This permit also includes 401 Water Quality Certification.

*Northcentral Region: Water Management—Soils and Waterways, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.*

**E14-327.** Encroachment. **Daniel J. Brigham**, HC 1 Box 6, Rebersburg, PA 16872. To construct and maintain 12 10-foot diameter 4-foot deep fiberglass rings and 20-foot diameter by 4-foot deep fiberglass rings with associated concrete slabs and water supply lines to be used as fish rearing tanks located in the left floodway of Spring Run within 160-feet downstream of the Elk Creek Fish Hatchery bridge (Millheim, PA Quadrangle N: 8.6 inches; W: 14.7 inches) in Miles Township, **Centre County.** This permit was issued under section 105.13(e) "Small Projects."

**E41-431.** Encroachment. **Old Growth Timber Inc.**, 43 Smith Street, Nesconset, NY 11767. To remove old growth timber logs, not including the log cribs, from the West Branch Susquehanna River bed within a 8-mile bank-to-bank reach immediately upstream of the Hepburn Street Dam (Williamsport, PA Quadrangle N: 19.6 inches; W: 0.9 inch to N: 18.5 inches; W: 17.1 inches) in the City of Williamsport, Loyalsock Township, South Williamsport Borough, Duboistown Borough, Armstrong Township, Susquehanna Township and Woodward Township, **Lycoming County.** This permit was issued under section 105.13(e) "Small Projects."

**E41-441.** Encroachment. **George K. Ohlinger**, 60 Schmehl Road, Fleetwood, PA 19522. To construct and maintain a wood frame home, 24 feet by 32 feet, elevated on concrete piers in the floodway of Little Pine Creek located on S. R. 287, approximately 0.2 mile north of S. R. 4001 (English Center, PA Quadrangle N: 11.8 inches; W: 4.1 inches) in Pine Township, **Lycoming County.** This permit was issued under section 105.13(e) "Small Projects."

**E47-065.** Encroachment. **PA Dept. of Transportation**, P. O. Box 218, Montoursville, PA 17754. To remove the existing structure and to construct and maintain a 24 foot by 6 foot by 30 foot long precast reinforced concrete box culvert on a 90 degree skew, depressed 1 foot in the streambed with an effective waterway opening of 24 foot by 5 foot. The project is located on SR 3004 over Beaver Run approximately 0.5 mile west of the intersection of SR 3004 with Route 45 (Riverside, PA Quadrangle N: 19.0 inches; W: 17.2 inches) in Liberty Township, **Montour County.** This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E53-316.** Encroachment. **Rainbow Paradise Trout Farm**, R. R. 1, Box 234, Coudersport, PA 16915. To construct, operate and maintain a water intake structure and pipeline in the channel of Trout Run for the supply of water to an existing commercial fish rearing facility. The water intake shall be constructed with a precast concrete intake that measures 10.0 feet × 4.7 feet × 3.0 feet placed and the pipeline shall be constructed with 15 inch diameter ADS pipe. The project is located along the southern right-of-way of SR 0006 approximately 1.6 miles east of the intersection of SR 0044 and SR 0006 (Sweden Valley, PA Quadrangle N: 1.1 inches; W: 6.4 inches) in Sweden Township, **Potter County.** This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

*Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.*

**E24-205.** Encroachment. **Superior Greentree Land-fill, Inc.**, 635 Toby Road, Kersey, PA 15864. To fill two de minimis wetland areas (total of 0.017 acre) for the expansion of the existing Superior Greentree Municipal Waste Disposal Facility southeast of Toby Road approximately 1 mile east of S. R. 0219 (Brady Camp, PA Quadrangle N: 6.0 inches; W: 4.4 inches) located in Fox Township, **Elk County.**

**E37-122.** Encroachment. **Lawrence County Commissioners**, Lawrence County Government Center, 430 Court Street, New Castle, PA 16101. To remove the existing T-340 (Russell Road) bridge and excavate debris and sediment deposits from the channel within a 183-foot-long reach of North Fork Little Beaver Creek beginning approximately 140 feet upstream of the existing bridge. To construct and maintain a prestressed concrete spread box beam bridge having a clear, normal span of 68.5 feet and an underclearance of 11.87 feet across North Fork Little Beaver Creek and place fill in the 100-year floodplain associated with roadway approaches on T-340 (Russell Road) approximately 1,300 feet north of S. R. 0351 (New Galilee, PA Quadrangle N: 19.9 inches; W: 11.0 inches) located in the Borough of Enon Valley and Little Beaver Township, **Lawrence County.**

**E61-219.** Encroachment. **PA Department of Transportation, District 1-0**, 1140 Liberty Street, Franklin, PA 16323. To remove the existing Kennerdell Bridge superstructure, pier and pier bent, modify the two existing piers in the river channel, replace the abutments and to construct and maintain a three span multiple plate-girder bridge having two spans of 260 feet and one span of 220 feet (centerline of bearing to centerline of bearing) and a minimum underclearance of 28 feet across the Allegheny River on S. R. 3008, Section B00 at the village of Kennerdell (Kennerdell, PA Quadrangle N: 2.5 inches; W: 12.5 inches) located in Clinton and Rockland Townships, **Venango County.** This project includes temporary

construction access and roadway in and across the Allegheny River consisting of rock, five causeways and four steel bridges.

*Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E03-376.** Encroachment. **Andrew J. Schall**, 10 Florida Avenue, Apollo, PA 15613. To construct and maintain a single span bridge having a normal span of 30.0 feet and an underclearance of 5.0 feet across Cherry Run for the purpose of providing access to a private residence. The project is located off of S. R. 2005, approximately 5 miles south of its intersection with U. S. Route 422 (Whitesburg, PA Quadrangle N: 11.38 inches; W: 6.43 inches) in Plumcreek Township, **Armstrong County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E02-1245.** Encroachment. **Grane Associates**, 221 Seventh Street Commons, Pittsburgh, PA 15238. To construct and maintain a residential building in the floodway of and on the right bank of an unnamed tributary to Turtle Creek (Fall Run) (WWF) and to regrade and maintain the right bank of the channel of said stream for the purpose of constructing the Bryn Mawr Assisted Living Residence. The project is located on the east side of Ardmore Boulevard, approximately 1,700 feet north from the intersection of Ardmore Boulevard and Newport Road (Brad-dock, PA Quadrangle N: 9.7 inches; W: 15.7 inches) in the Borough of Forest Hills, **Allegheny County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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**Actions on plans submitted under the Storm Water Management Act of October 4, 1978 (32 P. S. § 680.9).**

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*Bureau of Watershed Conservation, P. O. Box 8555, Harrisburg, PA 17105-8555.*

**Plan No. SWMP 114:02. Flaugherty Run Watershed Storm Water Management Plan**, as submitted by **Allegheny County**, was approved on November 19, 1998.

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**SPECIAL NOTICES**

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**Notice of Certification to Perform Radon-Related Activities in Pennsylvania**

In the month of November 1998, the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed as follows to perform radon-related activities in Pennsylvania. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Timothy DeWitt METS Laboratory	179 Smallwood Village Center Waldorf, MD 20602	Laboratory
William Hankee	9031 Reservoir Road Germansville, PA 18053	Testing
Scott Jacobs	618 North Maple Avenue Ridgway, PA 15853	Testing
Mark Matrozza Microbac Laboratories, Inc.	4580 McKnight Road Pittsburgh, PA 15237	Testing
James Stever	1621 Limekiln Pike Dresher, PA 19025	Mitigation
Kenneth Struder Pennsylvania Home Inspections	1375 Viking Drive Downingtown, PA 19335	Testing (indiv.) Laboratory (firm)

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**Planning Grant Awards Under the  
Municipal Waste Planning  
Recycling and Waste Reduction Act of 1988, Act 101**

The Department of Environmental Protection (Department), hereby announces the following grants to counties under the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) (Act 101). The awards are based upon applications received by the Department in 1997 and 1998.

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans as required by Act 101, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, and

for environmental mediation. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101, and the availability of monies in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Sally Lohman, Planning Section, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472.

**Act 101 Section 901 Planning Grants  
Bureau of Land Recycling and Waste Management**

*County**Activities**DEP Grant*

Northcentral Region

Carbon

Revise the Carbon County Municipal Waste Management Plan \$33,750

[Pa.B. Doc. No. 98-2070. Filed for public inspection December 18, 1998, 9:00 a.m.]

### Draft Technical Guidance—Substantive Revision

DEP ID: 274-0300-002 Title: Source Testing Manual (Revision 3)

Description: This manual is intended as guidance to clarify the procedures for conducting testing and reporting the results. It is not a regulatory document. The Source Testing Manual was first released in January 1983. In June 1995, minor revisions were made. Revision 3 is an overhaul encompassing major changes.

Major changes include: (1) VOC testing and reporting, (2) more quality assurance (QA), and (3) inclusion of additional test methods. Changes to deal with VOC testing and reporting are (1) guidance for expressing VOC results on an "as emitted" basis, (2) guidance on accounting for formaldehyde when determining total VOC emissions, and (3) improved QA. The improved QA procedures include (1) more audit samples, (2) more representative system bias checks, (3) determination of collection and recovery efficiencies of sampling trains, and (4) EPA Protocol 1 calibration gases ( $\pm 1\%$ ). The back-half analysis for particulate is no longer required allowing for combined sampling trains.

Potentially Affected Parties: (1) wood product industry, (2) wood-fired sources, (3) sources emitting chlorinated or oxygenated VOCs (for example, chemical manufacturers or bakeries), and (4) inexperienced or "poor quality" testing teams.

Extended Deadline for Submittal of Comments: January 6, 1999.

Anticipated Effective Date: February 8, 1999 Contact: Rick Szekeres at (717) 772-3938.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 98-2071. Filed for public inspection December 18, 1998, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Peer Groups, Peer Group Medians and Peer Group Prices for General Nursing Facilities, County Nursing Facilities, Hospital-Based Nursing Facilities and Special Rehabilitation Facilities

In accordance with 55 Pa. Code § 1187.95(a)(4), the Department of Public Welfare (Department) announces its peer groups, peer group medians and peer group prices for general nursing facilities, county nursing facilities, hospital-based nursing facilities and special rehabilitation facilities. The peer groups, peer group medians and peer

group prices established under this notice have been calculated as provided by 55 Pa. Code Chapter 1187 (25 Pa.B. 4477 (October 14, 1995)), and shall be effective for services rendered from July 1, 1998, through June 30, 1999.

To establish the database for the calculation of peer group medians and prices, the Department used each facility's three most recent audited cost reports that were issued by the Department on or before March 31, 1998, and indexed the costs for each report forward to the common date of December 31, 1998, using the HCFA Nursing Home Without Capital Market Basket Index.

Following is a listing, by group, of the number of facilities with a particular year-end and the inflation factor used to roll the costs of each facility forward to the common date of December 31, 1998.

#### General and County Nursing Facilities

<i>Facility Year End</i>	<i>Number of Facilities*</i>	<i>Inflation Factor</i>
December 31, 1990	2	1.2863
December 31, 1991	7	1.2428
June 30, 1992	5	1.2191
December 31, 1992	12	1.1986
June 30, 1993	31	1.1754
December 31, 1993	235	1.1519
June 30, 1994	254	1.1358
December 31, 1994	308	1.1190
June 30, 1995	259	1.1047
December 31, 1995	310	1.0918
June 30, 1996	262	1.0763
December 31, 1996	73	1.0594

#### Hospital-Based Nursing Facilities

<i>Facility Year End</i>	<i>Number of Facilities*</i>	<i>Inflation Factor</i>
June 30, 1993	3	1.1754
June 30, 1994	26	1.1358
June 30, 1995	26	1.1047
June 30, 1996	23	1.0763

#### Special Rehabilitation Facilities

<i>Facility Year End</i>	<i>Number of Facilities*</i>	<i>Inflation Factor</i>
June 30, 1994	3	1.1358
June 30, 1995	3	1.1047
June 30, 1996	3	1.0763

\*As a result of using the three most recent audited cost reports, the "Number of Facilities" column reflects a number in excess of actual enrolled nursing facilities.

After the database was inflated using the above inflation values, the Department grouped the facilities in the

correct geographic and bed size groupings. To establish peer groups, the Department used the most recent MSA group classification as published by the Federal Office of Management and Budget on or before April 1, 1998, to classify each nursing facility into one of three MSA groups or one non-MSA group. Then the Department used the bed complement of the nursing facility on the final day of the reporting period of the most recent audited MA-11 used in the NIS database to classify nursing facilities into one of three bed complement groups. These groups are 3—119 beds; 120—269; and 270 and over. Peer groups 7 and 10 have been collapsed in accordance with § 1187.94(l)(iv). Peer group 13 is designated for special rehabilitation facilities only and peer group 14 is designated for hospital-based nursing facilities only, regardless of geographic location or bed-size.

Once the database was established and the peer groups determined, the Department then calculated the medians and prices for each peer group. To calculate the resident care cost medians, the Department divided the audited allowable resident care costs for each cost report by the total facility CMI from the available February 1 picture date closest to the midpoint of the cost report period to obtain case-mix neutral total resident care cost for the cost report year. The Department then divided the case-mix neutral total resident care cost for each cost report by the total audited actual resident days for the cost report year to obtain the case-mix neutral resident care cost per diem for the cost report year. The Department calculated the 3-year arithmetic mean of the case-mix neutral resident care cost per diem for each nursing facility to obtain the average case-mix neutral resident care cost per diem of each nursing facility. The Department arrayed the average case-mix neutral resident care cost per diem for each nursing facility within the respective peer groups and determined a median for each peer group.

To calculate the other resident related cost medians, the Department first divided the audited allowable other resident related costs for each cost report by the total audited actual resident days for the cost report year to obtain the other resident related cost per diem for the cost report year. The Department calculated the 3-year arithmetic mean of the other resident related cost for each nursing facility to obtain the average other resident related cost per diem of each nursing facility. The Department arrayed the average other resident related cost per diem for each nursing facility within the respective peer groups and determined a median for each peer group.

To calculate the administrative cost medians, the Department adjusted, as appropriate, the total audited actual resident days for each cost report to a minimum 90% occupancy in accordance with § 1187.23. The Department then divided the audited allowable administrative cost for each cost report by the total audited actual resident days, adjusted to 90% occupancy, if applicable, to

obtain the administrative cost per diem for the cost report year. The Department calculated the 3 year arithmetic mean of the administrative cost for each nursing facility to obtain the average administrative cost per diem of each nursing facility. The Department arrayed the average administrative cost per diem for each nursing facility within the respective peer groups to determine a median for each peer group.

After the medians were determined for each peer group, the Department set prices using the medians. To set peer group prices, the Department multiplied the resident care cost median of each peer group by 1.17 to obtain the resident care cost peer group price; multiplied the other resident related cost median of each peer group by 1.12 to obtain the other resident related peer group price; and, multiplied the administrative cost median of each peer group by 1.04 to obtain the administrative cost peer group price.

The peer groups, peer group medians and peer group prices of general and county nursing facilities, hospital-based and special rehabilitation nursing facilities effective July 1, 1998, are listed in Annex A. The Department will use the peer groups, peer group medians and peer group prices to determine case-mix rates for nursing facilities for the period July 1, 1998, through June 30, 1999.

Public comment regarding this notice may be sent to: Connie L. Pretz, Chief, Long Term Care Policy, Department of Public Welfare, Division of Long Term Care Provider Services, Post Office Box 8025, Harrisburg, PA 17105.

Persons with a disability may use the AT&T Relay Service by calling 1-800-654-5984 (TDD users) or 1-800-654-5988 (voice users). If you require another alternative format, contact Thomas Vracarich at (717) 783-2209.

FEATHER O. HOUSTOUN,  
*Secretary*

**Fiscal Note:** 14-NOT-185. (1) General Fund; (2) Implementing Year 1998-99 is \$16.0 million; (3) 1st Succeeding Year 1999-00 is \$16.6 million; 2nd Succeeding Year 2000-01 is \$17.2 million; 3rd Succeeding Year 2001-02 is \$17.7 million; 4th Succeeding Year 2002-03 is \$18.3 million; 5th Succeeding Year 2003-04 is \$19.0 million; (4) FY 1997-98 \$617 million; FY 1996-97 \$592 million; FY 1995-96 \$649 million; (7) Medical Assistance—Long Term Care; (8) recommends adoption. Funds are included in the 1998-99 budget for this purpose.

#### Annex A

#### TITLE 55. PUBLIC WELFARE

#### PART III. MEDICAL ASSISTANCE MANUAL

#### CHAPTER 1187. NURSING FACILITY SERVICES

#### Subchapter G. RATE SETTING

#### § 1187.96. Price and rate setting computations.

<i>Median Pee Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>2nd Most Recent Cost Report End Date</i>	<i>3rd Most Recent Cost Report End Date</i>
1	00756499	BEAVER VALLEY GERIATRIC CENTER	12/31/95	12/31/94	12/31/93
1	01116388	CARE PAVILION OF WALNUT PARK, INC	06/30/96	06/30/95	06/30/94
1	00984672	CHESTER CARE CENTER	06/30/96	06/30/95	06/30/94
1	00751859	FAIR ACRES GERIATRIC CENTER	12/31/95	12/31/94	12/31/93
1	00574825	HOME FOR THE JEWISH AGED - ROBINSON BLDG	06/30/96	06/30/95	06/30/94
1	00757093	IMMACULATE MARY HOME	06/30/96	06/30/95	06/30/94



<i>Median Pee Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>2nd Most Recent Cost Report End Date</i>	<i>3rd Most Recent Cost Report End Date</i>
1	00984215	INTEGRATED HLTH SRVCS - PA BROOMALL	12/31/95	06/30/94	06/30/93
1	00756541	JEWISH HOME AND HOSP FOR AGED-PITTSBURGH	06/30/96	06/30/95	06/30/94
1	00947848	JOHN J KANE REGIONAL CENTER-GLEN HAZEL	12/31/95	12/31/94	12/31/93
1	00947866	JOHN J KANE REGIONAL CENTER-MCKEESPORT	12/31/95	12/31/94	12/31/93
1	00934115	JOHN J KANE REGIONAL CENTER-ROSS TWNHP	12/31/95	12/31/94	12/31/93
1	00936808	JOHN J KANE REGIONAL CENTER-SCOTT TWNHP	12/31/95	12/31/94	12/31/93
1	00984574	MANCHESTER HOUSE NURSING AND CONV CENTER	06/30/96	06/30/95	06/30/94
1	00747758	MONTGOMERY COUNTY GERIATRIC & REHAB CTR	12/31/95	12/31/94	12/31/93
1	00748147	NESHAMINY MANOR HOME	12/31/95	12/31/94	12/31/93
1	00756158	PHILADELPHIA NURSING HOME	12/31/95	12/31/94	12/31/93
1	00755437	POCOPSON HOME	12/31/95	12/31/94	12/31/93
1	00749430	SAINT FRANCIS COUNTRY HOUSE	06/30/96	06/30/95	06/30/94
1	00755197	SAINT JOHN LUTHERAN CARE CENTER	06/30/96	06/30/95	06/30/94
1	00576202	WESTMORELAND MANOR	12/31/95	12/31/94	12/31/93
PG 1	Resident Care Median	Other Resident Care Median	Administrative Median		
	\$ 72.95	\$ 36.18	\$13.09		
PG 1	Resident Care Price	Other Resident Care Price	Administrative Price		
	\$ 85.35	\$ 40.52	\$13.61		
2	00633739	ASBURY HEALTH CENTER	12/31/95	12/31/94	12/31/93
2	00756210	ASHTON HALL NURSING AND REHAB CENTER	06/30/96	06/30/95	06/30/94
2	01027036	ATTLEBORO NURSING AND REHAB CENTER	12/31/95	12/31/94	12/31/93
2	01185670	BALA NURSING AND RETIREMENT CENTER	06/30/96	06/30/95	06/30/94
2	00914319	BALDOCK HEALTH CARE CENTER	06/30/96	06/30/95	06/30/94
2	01104387	BALDWIN HEALTH CENTER, INC	06/30/96	06/30/95	06/30/94
2	00745083	BAPTIST HOME OF PHILADELPHIA, THE	06/30/96	06/30/95	06/30/94
2	00974694	BAPTIST HOMES NURSING CENTER	06/30/96	06/30/95	06/30/94
2	00857301	BEAVER VALLEY NURSING AND REHAB CENTER	06/30/96	06/30/95	06/30/94
2	01689962	BELVEDERE NURSING AND CONVAL CENTER	06/30/96	06/30/95	06/30/94
2	00972493	BEVERLY MANOR - MONROEVILLE	12/31/96	12/31/95	12/31/94
2	00984583	BISHOP NURSING HOME, THE	06/30/96	06/30/95	06/30/94
2	01084640	BOULEVARD NURSING HOME	06/30/94	06/30/93	06/30/92
2	00987164	BRANDYWINE HALL	06/30/96	06/30/95	06/30/94
2	00940856	BRIARCLIFF PAVILION FOR SPECIALIZED CARE	12/31/95	12/31/94	12/31/93
2	00790866	BRIARLEAF NURSING AND CONVAL CENTER	06/30/96	06/30/95	06/30/94
2	00757422	BROOMALL PRESBYTERIAN HOME	12/31/95	12/31/94	12/31/93
2	01129330	BUCKINGHAM VALLEY REHAB AND NURSING CTR	06/30/96	06/30/95	06/30/94
2	00757549	CATHEDRAL VILLAGE	06/30/96	06/30/95	06/30/94
2	01689971	CHAPEL MANOR NURSING AND CONVAL CENTER	06/30/96	06/30/95	06/30/94
2	00751017	CHATHAM ACRES, INC	06/30/96	06/30/95	06/30/94
2	01217710	CHELTENHAM NURSING AND REHAB CENTER	06/30/96	12/31/94	12/31/93
2	01145559	CHELTENHAM YORK ROAD NSG & REHAB CENTER	06/30/96	06/30/95	06/30/94
2	01458553	CLIVEDEN CONVALESCENT CENTER	06/30/96	06/30/95	06/30/93
2	01396808	COBBS CREEK NURSING CENTER MANAGER	06/30/96	06/30/95	06/30/94
2	00982838	COUNTRY MEADOWS OF SOUTH HILLS	12/31/95	12/31/94	12/31/93
2	00833284	CRESTVIEW CENTER	06/30/96	06/30/95	06/30/94
2	01684198	DOYLESTOWN MANOR	12/31/96	12/31/95	12/31/94
2	01440307	ELMIRA JEFFRIES MEMORIAL HOME MGR	06/30/96	12/31/94	12/31/92
2	00744970	EVANGELICAL MANOR	12/31/95	12/31/94	12/31/93
2	00987155	FAIRVIEW CARE CENTER OF BETHLEHEM PIKE	06/30/96	06/30/95	06/30/94
2	00987173	FAIRVIEW CARE CENTER OF PAPERMILL ROAD	06/30/96	06/30/95	06/30/94
2	00974273	FAYETTE HEALTH CARE CENTER	12/31/96	12/31/95	12/31/94

<i>Median Pee Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>2nd Most Recent Cost Report End Date</i>	<i>3rd Most Recent Cost Report End Date</i>
2	01663779	FORBES NURSING CENTER	06/30/96	06/30/95	06/30/94
2	00974854	GERMANTOWN HOME	06/30/96	06/30/95	06/30/94
2	01005048	GOLDEN SLIPPER CLUB UPTOWN HOME FOR AGED	06/30/96	06/30/95	06/30/94
2	00951214	GREEN ACRES - IVY HILL NURSING HOME	06/30/96	06/30/95	06/30/94
2	01700513	GREENERY REHAB AND SNC AT MEADOWLANDS	06/30/96	06/30/95	12/31/91
2	00791095	GREENLEAF NURSING HOME AND CONVAL CENTER	06/30/96	06/30/95	06/30/94
2	00931561	GREENSBURG NURSING AND CONVAL CENTER INC	12/31/95	12/31/94	12/31/93
2	00757487	GWYNEDD SQUARE CTR FOR NSG & CONVAL CARE	06/30/96	06/30/95	06/30/94
2	01687073	HARSTON HALL NURSING AND CONVAL HOME	06/30/96	06/30/95	06/30/94
2	01005093	HEARTLAND HEALTH CARE CENTER	06/30/96	06/30/95	06/30/94
2	01268915	HEMPFIELD MANOR	12/31/96	12/31/95	12/31/94
2	01248609	HERITAGE SHADYSIDE, THE	06/30/96	06/30/95	06/30/94
2	00810495	HILLCREST CENTER	06/30/96	06/30/95	06/30/94
2	00899203	HOMESTEAD CENTER	06/30/96	06/30/95	06/30/94
2	00998892	HUMBERT LANE HEALTH CARE CENTER	06/30/96	06/30/95	06/30/94
2	01470511	INTEGRATED HLTH SRVCS - BRYN MAWR CHTEAU	12/31/95	12/31/93	12/31/92
2	00984224	INTEGRATED HLTH SRVCS - CHESTNUT HILL	12/31/95	06/30/94	06/30/93
2	01239593	INTEGRATED HLTH SRVCS - GRTR PITTSBURGH	12/31/95	12/31/94	12/31/93
2	01075875	INTEGRATED HLTH SRVCS - MOUNTAIN VIEW	12/31/95	12/31/94	12/31/93
2	01468649	INTEGRATED HLTH SRVCS - PA MARPLE	12/31/95	12/31/93	12/31/92
2	01470520	INTEGRATED HLTH SRVCS - PA PLYMOUTH	12/31/95	06/30/94	06/30/93
2	00985938	INTEGRATED HLTH SRVCS - WHITEMARSH	12/31/95	06/30/94	06/30/93
2	01664892	LAFAYETTE REDEEMER, THE	06/30/95	06/30/94	06/30/93
2	00860675	LANGHORNE GARDENS REHAB AND NURSING CTR	06/30/96	06/30/95	06/30/94
2	00757413	LEMINGTON CENTER	06/30/96	06/30/95	06/30/94
2	01625929	LGAR HEALTH AND REHABILITATION CENTER	12/31/96	12/31/95	12/31/94
2	01096599	LIFEQUEST NURSING CENTER	06/30/96	06/30/95	06/30/94
2	00756532	LITTLE FLOWER MANOR	06/30/96	06/30/95	06/30/94
2	00986532	LOGAN SQUARE EAST	12/31/95	12/31/94	12/31/93
2	00935408	LUTHER WOODS CONVALESCENT CENTER	12/31/95	12/31/94	12/31/93
2	00750815	LUTHERAN WELFARE CONCORDIA HOME	06/30/96	06/30/95	06/30/94
2	01296876	MAIN LINE NURSING AND REHAB CENTER	06/30/96	06/30/95	06/30/94
2	00988635	MAJESTIC OAKS	06/30/96	06/30/95	06/30/94
2	00747346	MANATAWNY MANOR INC	06/30/96	06/30/95	06/30/94
2	01085530	MANORCARE HEALTH SVCS-BETHEL PARK	12/31/95	12/31/94	12/31/93
2	01106149	MANORCARE HEALTH SVCS-GREEN TREE	12/31/95	12/31/94	12/31/93
2	01434990	MANORCARE HEALTH SVCS-HUNTINGDON VALLEY	12/31/95	12/31/94	
2	01211592	MANORCARE HEALTH SVCS-KING OF PRUSSIA	12/31/95	12/31/94	12/31/93
2	01169621	MANORCARE HEALTH SVCS-LANSDALE	12/31/95	12/31/94	12/31/93
2	01155671	MANORCARE HEALTH SVCS-MCMURRAY	12/31/95	12/31/94	12/31/93
2	01223379	MANORCARE HEALTH SVCS-NORTH HILLS	12/31/95	12/31/94	12/31/93
2	00855100	MANORCARE HEALTH SVCS-POTTSTOWN	12/31/95	12/31/94	12/31/93
2	01191909	MANORCARE HEALTH SVCS-YARDLEY	12/31/95	12/31/94	12/31/93
2	00857286	MANORCARE HEALTH SVCS-YEADON	12/31/95	12/31/94	12/31/93
2	01460257	MAPLEWOOD MANOR CONVALESCENT CENTER	06/30/96	06/30/95	06/30/93
2	00748951	MARIAN MANOR CORPORATION	06/30/96	06/30/95	06/30/94
2	01470683	MARINER HEALTH CARE OF WEST HILLS	06/30/96	06/30/95	06/30/94
2	00969504	MAYO CENTER	06/30/96	06/30/95	06/30/94
2	00747687	MERCY DOUGLASS HUMAN SERVICES CENTER	06/30/96	06/30/95	06/30/94
2	01616170	METHODIST HOSPITAL NURSING CENTER	06/30/96	06/30/95	06/30/94
2	01684349	MOUNT LEBANON MANOR	12/31/96	12/31/95	12/31/94
2	00752112	MOUNT MACRINA MANOR NURSING HOME	06/30/96	06/30/95	06/30/94
2	01688713	MURRAY MANOR HEALTH AND REHAB CENTER	12/31/96	12/31/95	12/31/94

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2	01680715	NORTH PENN CONVALESCENT CENTER	12/31/96	12/31/95	12/31/94
2	01650832	NORTHWOOD NURSING AND CONVALESCENT CTR	06/30/96	12/31/93	12/31/92
2	01690640	OXFORD HEALTH CENTER	12/31/95	12/31/94	12/31/93
2	00757600	PARK PLEASANT HEALTH CARE FACILITY	06/30/96	06/30/95	06/30/94
2	00756640	PASSAVANT RETIREMENT AND HEALTH CENTER	06/30/96	06/30/95	06/30/94
2	01293963	PAUL'S RUN	12/31/95	12/31/94	12/31/93
2	01177329	PEMBROOKE HEALTH AND REHAB RESIDENCE	06/30/96	06/30/95	06/30/94
2	01064325	PENN CENTER FOR REHABILITATION AND CARE	06/30/95	06/30/94	06/30/93
2	01686970	PENNSBURG MANOR	06/30/96	06/30/95	06/30/93
2	01686559	PHOENIXVILLE CONVALESCENT MANOR	12/31/96	12/31/95	12/31/94
2	01294817	PINE RUN HEALTH CENTER	06/30/96	06/30/95	06/30/94
2	00974489	PRESBYTERIAN MED CENTER - WASHINGTON, PA	12/31/95	12/31/94	12/31/93
2	01033893	PRESBYTERIAN MEDICAL CENTER AT OAKMONT	12/31/95	12/31/94	12/31/93
2	01177347	PROSPECT PARK HEALTH AND REHAB RESIDENCE	06/30/96	06/30/95	06/30/94
2	01217685	PROVIDENCE HEALTH CARE CENTER	12/31/95	12/31/94	12/31/93
2	01644399	QUAKERTOWN CENTER	12/31/95	12/31/94	12/31/93
2	00757262	REGENCY HALL NURSING HOME, INC	06/30/96	06/30/95	06/30/94
2	00750744	REGINA COMMUNITY NURSING CENTER	06/30/96	06/30/95	06/30/94
2	01201783	RIDGE CREST NURSING AND REHAB CENTER	06/30/96	06/30/95	06/30/94
2	00969999	RITTENHOUSE CARE CENTER	06/30/96	06/30/95	06/30/94
2	00993831	RIVER'S EDGE NURSING AND REHAB CENTER	12/31/95	12/31/94	12/31/93
2	01056092	RIVERSIDE NURSING CENTER, INC	12/31/95	12/31/94	06/30/93
2	01207938	ROCHESTER MANOR	06/30/95	06/30/94	06/30/93
2	01402315	ROSLYN NURSING AND REHAB CENTER	06/30/96	06/30/95	06/30/94
2	00749251	RYDAL PARK OF PHILADELPHIA PRSBYTR HOMES	12/31/95	12/31/94	12/31/93
2	00756980	SACRED HEART MANOR	06/30/96	06/30/95	06/30/94
2	00755295	SAINT ANNE HOME	06/30/96	06/30/95	06/30/94
2	00750987	SAINT BARNABAS, INC	06/30/96	06/30/95	06/30/94
2	01150684	SAINT FRANCIS NURSING CENTER, EAST	06/30/96	06/30/95	06/30/94
2	01233052	SAINT FRANCIS NURSING CENTER, NORTH	06/30/96	06/30/95	06/30/94
2	00750824	SAINT IGNATIUS NURSING HOME	06/30/96	06/30/95	06/30/94
2	00751269	SAINT JOHN NEUMANN NURSING HOME	06/30/95	06/30/94	06/30/93
2	01279703	SAINT JOSEPH NURSING AND HEALTH CARE CTR	12/31/95	12/31/94	12/31/93
2	01664918	SAINT JOSEPH'S MANOR	06/30/96	06/30/95	06/30/94
2	01163341	SAINT MARGARET SENECA PLACE	06/30/96	06/30/95	06/30/94
2	01186041	SAINT MARTHA MANOR	06/30/96	06/30/95	06/30/94
2	00749162	SAINT MARY'S MANOR	06/30/96	06/30/95	06/30/94
2	01419822	SANATOGA CENTER	06/30/96	06/30/95	
2	00751920	SAUNDERS HOUSE	06/30/96	06/30/95	06/30/94
2	01004846	SHADYSIDE NURSING AND REHAB CENTER	06/30/96	06/30/95	06/30/94
2	01220519	SIDNEY SQUARE CONVALESCENT CENTER	12/31/95	12/31/94	12/31/93
2	00748011	SILVER LAKE CENTER	06/30/94	06/30/93	06/30/92
2	00969513	SILVER STREAM CENTER	06/30/96	06/30/95	06/30/94
2	00748568	SIMPSON HOUSE, INC	12/31/95	12/31/94	12/31/93
2	01035539	STAPELEY IN GERMANTOWN	06/30/96	06/30/95	06/30/94
2	01002547	STEPHEN SMITH HOME FOR THE AGED	06/30/96	06/30/95	06/30/94
2	00750851	SUNNYVIEW HOME - BUTLER COUNTY HOME	12/31/95	12/31/94	12/31/93
2	00931543	SYCAMORE CREEK NURSING CENTER	06/30/96	06/30/95	06/30/94
2	01684385	TANDEM HEALTH CARE OF CHESWICK	12/31/95	12/31/94	12/31/93
2	00749108	TEL HAI NURSING CENTER, INC	06/30/96	06/30/95	06/30/94
2	01426157	TOWNE MANOR EAST	12/31/94	12/31/92	12/31/91
2	01426371	TOWNE MANOR WEST	12/31/94	12/31/92	12/31/91
2	00860307	TOWNSHIP MANOR HEALTH AND REHAB CENTER	06/30/96	06/30/95	06/30/94
2	01184557	TUCKER HOUSE	06/30/96	06/30/95	06/30/94
2	00943624	VALLEY CARE NURSING HOME, INC	06/30/96	06/30/95	06/30/94

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2	00860263	VALLEY MANOR NURSING AND REHAB CENTER	06/30/96	06/30/95	06/30/94
2	00756971	VINCENTIAN HOME	06/30/96	06/30/95	06/30/94
2	01006199	WALLINGFORD NURSING AND REHAB CENTER	06/30/96	06/30/95	06/30/94
2	00757048	WASHINGTON COUNTY HEALTH CENTER	12/31/95	12/31/94	12/31/93
2	00987870	WEST HAVEN NURSING HOME	06/30/96	06/30/95	06/30/94
2	00958930	WEXFORD HOUSE	06/30/96	06/30/95	06/30/94
2	01213550	WIGHTMAN CENTER FOR NURSING AND REHAB	12/31/95	12/31/94	12/31/93
2	01592793	WOODHAVEN CARE CENTER	06/30/96	06/30/95	06/30/94
2	00754959	ZOHLMAN NURSING HOME	06/30/96	06/30/95	06/30/94
PG 2	Resident Care Median \$ 64.20		Other Resident Care Median \$ 28.02		Administrative Median \$13.51
PG 2	Resident Care Price \$ 75.11		Other Resident Care Price \$ 31.38		Administrative Price \$14.05
3	01432495	AMBLER REST CENTER	06/30/96	06/30/95	
3	00965461	AMERICAN TRANSITIONAL CARE - OAKMONT	12/31/96	12/31/95	12/31/94
3	00755301	ARTMAN LUTHERAN HOME	06/30/95	06/30/94	06/30/93
3	00757333	AUTUMN GROVE CARE CENTER	06/30/96	06/30/95	06/30/94
3	01013335	BELAIR HEALTH AND REHABILITATION CENTER	06/30/96	06/30/95	06/30/94
3	01149772	BELLE HAVEN	12/31/95	12/31/94	12/31/93
3	00747060	BETHLEN HM OF THE HUNGARIAN RFRMD FED	12/31/96	12/31/95	12/31/94
3	01439727	BRINTON MANOR	12/31/96	12/31/95	12/31/94
3	01681463	BRITTANY POINTE ESTATES	12/31/94	12/31/93	12/31/91
3	01030200	CANTERBURY PLACE	12/31/95	12/31/94	12/31/93
3	00748174	CHICORA MEDICAL CENTER	06/30/96	06/30/95	06/30/94
3	00745790	CHRIST'S HOME RETIREMENT CENTER	06/30/96	06/30/95	06/30/94
3	01098575	COLLINS HEALTH CENTER	12/31/96	12/31/95	12/31/94
3	00912092	CONNER-WILLIAMS NURSING HOME	06/30/96	06/30/95	06/30/94
3	00891143	COVENTRY MANOR NURSING HOME	06/30/96	06/30/95	06/30/94
3	00887928	DOCK TERRACE	06/30/96	06/30/95	06/30/94
3	00860272	DRESHER HILL HEALTH AND REHAB CENTER	06/30/96	06/30/95	06/30/94
3	01493427	EDGEHILL NURSING AND REHAB CENTER	06/30/96	06/30/94	06/30/93
3	00756013	EDGEWOOD NURSING CENTER	06/30/96	06/30/95	06/30/94
3	01233606	ELDERCREST NURSING CENTER	06/30/96	06/30/95	06/30/94
3	01690604	ELIZA CATHCART HEALTH CENTER	12/31/95	12/31/94	12/31/93
3	00795441	ELM TERRACE GARDENS	06/30/96	06/30/95	06/30/94
3	00906489	EVERGREEN NURSING CENTER	12/31/95	12/31/94	12/31/93
3	01465692	FAIR WINDS MANOR	06/30/96	06/30/95	06/30/94
3	00745092	FREDERICK MENNONITE COMMUNITY	12/31/95	12/31/94	12/31/93
3	01145601	FRIENDSHIP VILLAGE OF SOUTH HILLS	12/31/95	12/31/94	12/31/93
3	00858050	GOLFVIEW MANOR NURSING HOME	06/30/96	06/30/95	06/30/94
3	01188556	HARMON HOUSE CONVALESCENT CENTER	12/31/95	12/31/94	12/31/93
3	00746939	HAVENCREST NURSING CENTER	06/30/96	06/30/95	06/30/94
3	01455847	HAVERFORD NURSING & REHABILITATION CTR	06/30/96	06/30/95	
3	01696395	HENRY CLAY VILLA	06/30/95	06/30/93	06/30/92
3	01003580	HERITAGE TOWERS	12/31/95	12/31/94	12/31/93
3	01120863	HICKORY HOUSE NURSING HOME	12/31/95	12/31/94	12/31/93
3	01289165	HIGHLAND CENTER, GENESIS ELDERCARE NTWRK	06/30/96	06/30/95	06/30/94
3	00747186	HOLY FAMILY HOME	12/31/95	12/31/94	12/31/93
3	01644370	HOPKINS CENTER	12/31/95	12/31/94	12/31/93
3	01118408	HORIZON SENIOR CARE	06/30/96	06/30/95	06/30/94
3	01473667	JEFFERSON HILLS MANOR	06/30/96	06/30/95	
3	00941700	KADE NURSING HOME	12/31/95	12/31/94	12/31/93
3	00754574	KEARSLEY LONG TERM CARE CENTER	06/30/96	06/30/95	06/30/94
3	00747990	LAFAYETTE MANOR, INC	12/31/95	12/31/94	12/31/93
3	01193171	LAUREL RIDGE CENTER	06/30/96	06/30/95	12/31/93
3	00750790	LITTLE SISTERS OF THE POOR	12/31/95	12/31/94	12/31/93
3	01258140	LOYALHANNA CARE CENTER	12/31/95	12/31/94	12/31/93

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3	00750388	LUTHERAN COMM AT TELFORD HLTHCRE CTR INC	06/30/96	06/30/95	06/30/94
3	01456989	MARINER HEALTH CARE OF NORTH HILLS	06/30/96		
3	00754897	MARWOOD REST HOME, INC	06/30/95	06/30/94	06/30/93
3	00746385	MARY J DREXEL HOME	12/31/95	12/31/94	12/31/93
3	00747874	MASONIC HOME OF PENNSYLVANIA	12/31/95	12/31/94	12/31/93
3	01275876	MCMURRAY HILLS MANOR	06/30/96	12/31/94	12/31/93
3	01118426	MEADOWCREST NURSING CENTER	06/30/96	06/30/95	06/30/94
3	01514803	NAAMANS CREEK COUNTRY MANOR	06/30/96	12/31/94	12/31/93
3	01036170	OAK HILL NURSING AND REHAB CENTER	06/30/96	06/30/95	06/30/94
3	01674146	PENNSYLVANIA HOSPITAL SKILLED CARE CTR	06/30/95	06/30/94	06/30/92
3	00654855	PETER BECKER COMMUNITY	06/30/96	06/30/95	06/30/94
3	00749476	PHILADELPHIA PROTESTANT HOME	12/31/95	12/31/94	12/31/93
3	00750771	PICKERING MANOR HOME	06/30/96	06/30/95	06/30/94
3	00795183	PRESBYTERIAN HOME AT 58TH STREET	12/31/95	12/31/94	12/31/93
3	00757511	REDSTONE HIGHLANDS HEALTH CARE CENTER	06/30/96	06/30/95	06/30/94
3	00798677	REFORMED PRESBYTERIAN HOME	12/31/95	12/31/94	12/31/93
3	00749850	REGINA COMMUNITY NURSING CENTER	06/30/96	06/30/95	06/30/94
3	01129340	RICHBORO CARE CENTER	06/30/96	06/30/95	06/30/94
3	00750931	ROCKHILL MENNONITE COMMUNITY	06/30/96	06/30/95	06/30/94
3	01686568	ROSEMONT MANOR	12/31/96	12/31/95	12/31/94
3	00749940	SAINT JOSEPH HOME FOR THE AGED	06/30/96	06/30/95	06/30/94
3	01019704	SAXONY HEALTH CENTER	12/31/95	12/31/94	12/31/93
3	00882411	SHERWOOD OAKS	06/30/96	06/30/95	06/30/94
3	01005039	SKY VUE TERRACE	06/30/96	06/30/95	06/30/94
3	01017002	SOUDERTON MENNONITE HOMES	06/30/96	06/30/95	06/30/94
3	01451688	SOUTH FAYETTE NURSING CENTER	06/30/96	06/30/95	06/30/93
3	01686620	SOUTH HILLS HEALTH AND REHAB CENTER	12/31/96	12/31/95	12/31/94
3	01667043	SOUTHWESTERN NURSING CENTER	06/30/96	06/30/95	12/31/93
3	00860290	STATESMAN HEALTH AND REHAB CENTER	06/30/96	06/30/95	06/30/94
3	01291510	STENTON HALL NURSING AND CONVAL CENTER	12/31/96	12/31/95	12/31/94
3	01216795	VALENCIA WOODS NURSING CENTER	06/30/96	06/30/95	06/30/94
3	00750207	VILLA DEMARILLAC NURSING HOME, INC	06/30/96	06/30/95	06/30/94
3	01026825	WAYNE CENTER	06/30/96	06/30/95	06/30/94
3	01301134	WILKINS HOUSE, THE	12/31/95	12/31/94	
3	01454607	WILLIAM PENN CARE CENTER	12/31/95		
3	00991944	WILLIS NURSING CENTER	06/30/96	06/30/95	06/30/94
3	00756523	WYNCOTE CHURCH HOME	06/30/96	06/30/95	06/30/94
PG 3	Resident Care Median \$ 60.62	Other Resident Care Median \$ 28.28	Administrative Median \$13.21		
PG 3	Resident Care Price \$ 70.93	Other Resident Care Price \$ 31.67	Administrative Price \$13.74		
4	01157700	ALLIED SERVICES SKILLED NURSING CENTER	06/30/96	06/30/95	06/30/94
4	00576310	BERKS HEIM	12/31/95	12/31/94	12/31/93
4	00755473	BRETHREN HOME COMMUNITY, THE	06/30/96	06/30/95	06/30/94
4	00751741	CAMBRIA COUNTY HOME-LAUREL CREST REHAB	12/31/95	12/31/94	12/31/93
4	00745299	CEDAR HAVEN	12/31/95	12/31/94	12/31/93
4	00575770	CEDARBROOK	12/31/95	12/31/94	12/31/93
4	00749064	CLAREMONT NRC OF CUMBERLAND COUNTY	12/31/95	12/31/94	12/31/93
4	00745922	CONESTOGA VIEW	12/31/95	12/31/94	12/31/93
4	00744872	DAUPHIN MANOR	12/31/95	12/31/94	12/31/93
4	00751151	GRACEDALE - NORTHAMPTON COUNTY HOME	12/31/95	12/31/94	12/31/93
4	00754636	MASONIC HOMES	12/31/95	12/31/94	12/31/93
4	00754814	MOUNTAIN VIEW MANOR	12/31/95	12/31/94	12/31/93
4	01039117	PHOEBE HOME, INC	06/30/96	06/30/95	06/30/94
4	00754583	PLEASANT RIDGE MANOR EAST/WEST	12/31/95	12/31/94	12/31/93
4	00752275	VALLEY CREST NURSING HOME	12/31/95	12/31/94	12/31/93
4	01686586	WEST SHORE HEALTH AND REHAB CENTER	12/31/96	12/31/95	12/31/94
4	00750940	YORK COUNTY NURSING HOME	12/31/95	12/31/94	12/31/93

<i>Median Pee Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>2nd Most Recent Cost Report End Date</i>	<i>3rd Most Recent Cost Report End Date</i>
PG 4	Resident Care Median \$ 76.38	Other Resident Care Median \$ 32.14	Administrative Median \$10.37		
PG 4	Resident Care Price \$ 89.36	Other Resident Care Price \$ 36.00	Administrative Price \$10.76		
5	01007632	ABINGTON MANOR	12/31/96	12/31/95	12/31/94
5	01682845	ADAMS MANOR	12/31/96	12/31/95	12/31/94
5	01486137	BERKSHIRE CENTER	06/30/96		
5	01492223	BERWICK RETIREMENT VILLAGE NRSNG HOME II	06/30/96		
5	00925715	BEVERLY MANOR	12/31/96	12/31/95	12/31/94
5	01683477	BEVERLY MANOR OF LANCASTER	12/31/96	12/31/95	12/31/94
5	00942091	BIRCHWOOD NURSING AND REHAB CENTER	12/31/95	12/31/94	06/30/93
5	00910131	BLOOMSBURG HEALTH CARE CENTER	12/31/95	12/31/94	12/31/93
5	00744059	BRETHREN VILLAGE	06/30/96	06/30/95	06/30/94
5	01009870	CARPENTER CARE CENTER	12/31/96	12/31/95	12/31/94
5	00746240	COLONIAL MANOR NURSING HOME	12/31/95	12/31/94	12/31/93
5	00747426	CORNWALL MANOR	12/31/95	12/31/94	12/31/93
5	01076228	CORRY MANOR	12/31/96	12/31/95	12/31/94
5	01426291	DORRANCE MANOR	12/31/92	12/31/91	12/31/90
5	01024606	EAST MOUNTAIN MANOR	12/31/96	12/31/95	12/31/94
5	01145675	EASTON NURSING CENTER	06/30/96	06/30/95	06/30/94
5	01076237	EDINBORO MANOR	12/31/96	12/31/95	12/31/94
5	01253725	EPHRATA MANOR	12/31/95	12/31/94	12/31/93
5	00744999	EVANGELICAL CONG CHURCH RETRMNT VILLAGE	12/31/96	12/31/95	12/31/94
5	01076246	FAIRVIEW MANOR	12/31/96	12/31/95	12/31/94
5	01416043	FAIRVIEW RETIREMENT COMMUNITY, INC	06/30/96	06/30/95	06/30/93
5	01134930	FELLOWSHIP MANOR	06/30/96	06/30/95	06/30/94
5	00949145	FREY VILLAGE	12/31/95	12/31/94	12/31/93
5	00969489	HAMILTON ARMS CENTER	06/30/96	06/30/95	06/30/94
5	00886297	HANOVER HALL	12/31/95	12/31/94	12/31/93
5	01525487	HARRISON HOUSE	12/31/94	12/31/93	12/31/92
5	00908394	HAZLETON NURSING & GERIATRIC CENTER	06/30/96	06/30/95	06/30/94
5	00756720	HEATHERBANK	12/31/95	12/31/94	12/31/93
5	00889744	HIGHLAND MANOR NURSING AND CONVAL CENTER	06/30/96	06/30/95	06/30/94
5	00755240	HOLIDAY MANOR	06/30/96	06/30/95	06/30/94
5	00965229	HOLY FAMILY MANOR, INC	12/31/95	12/31/94	12/31/93
5	01568180	HOMEWOOD AT PLUM CREEK	12/31/96	12/31/95	12/31/94
5	01060157	INTEGRATED HLTH SRVCS - ERIE BAYSIDE	12/31/95	12/31/94	12/31/93
5	00974700	INTEGRATED HLTH SRVCS - HERSHEY WDLNDS	12/31/95	12/31/94	12/31/93
5	00747284	JEWISH HOME OF EASTERN PENNSYLVANIA	12/31/95	12/31/94	12/31/93
5	00747275	JEWISH HOME OF GREATER HARRISBURG	06/30/96	06/30/95	06/30/94
5	00985197	KUTZTOWN MANOR	06/30/96	06/30/95	06/30/94
5	00757182	LACKAWANNA COUNTY HEALTH CARE CENTER	12/31/95	12/31/94	12/31/93
5	00756926	LANCASHIRE HALL	12/31/95	12/31/94	12/31/93
5	01644380	LAUREL CENTER	12/31/95	12/31/94	12/31/93
5	00756612	LAUREL HILL, INC	06/30/96	06/30/95	06/30/94
5	01494498	LEHIGH CENTER	06/30/96		
5	00946090	LIBERTY NURSING AND REHAB CENTER	06/30/96	06/30/95	06/30/94
5	00751302	LITTLE FLOWER MANOR OF DIOCESE SCRANTON	12/31/95	12/31/94	12/31/93
5	00750898	LUTHERAN HOME AT TOPTON	12/31/95	12/31/94	12/31/93
5	00755277	MAHONING VALLEY NURSING AND REHAB CENTER	12/31/95	12/31/94	12/31/93
5	01134985	MANORCARE HEALTH SVCS-ALLENTOWN	12/31/95	12/31/94	12/31/93
5	00860657	MANORCARE HEALTH SVCS-BETHLEHEM I	12/31/95	12/31/94	12/31/93
5	00855174	MANORCARE HEALTH SVCS-BETHLEHEM II	12/31/95	12/31/94	12/31/93
5	01106891	MANORCARE HEALTH SVCS-CARLISLE	12/31/95	12/31/94	12/31/93
5	00854490	MANORCARE HEALTH SVCS-DALLASTOWN	12/31/95	12/31/94	12/31/93
5	00879022	MANORCARE HEALTH SVCS-EASTON	12/31/95	12/31/94	12/31/93
5	00854480	MANORCARE HEALTH SVCS-HARRISBURG	12/31/95	12/31/94	12/31/93

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5	00854604	MANORCARE HEALTH SVCS-KINGSTON	12/31/95	12/31/94	12/31/93
5	00960518	MANORCARE HEALTH SVCS-KINGSTON COURT	06/30/96	06/30/95	06/30/94
5	00854515	MANORCARE HEALTH SVCS-LANCASTER	12/31/95	12/31/94	12/31/93
5	00855094	MANORCARE HEALTH SVCS-LAURELDALE	12/31/95	12/31/94	12/31/93
5	00854542	MANORCARE HEALTH SVCS-LEBANON	12/31/95	12/31/94	12/31/93
5	00882402	MANORCARE HEALTH SVCS-SINKING SPRING	12/31/95	12/31/94	12/31/93
5	00855067	MANORCARE HEALTH SVCS-WEST READING NORTH	12/31/95	12/31/94	12/31/93
5	00952060	MANORCARE HEALTH SVCS-YORK NORTH	06/30/96	06/30/95	06/30/94
5	00952051	MANORCARE HEALTH SVCS-YORK SOUTH	06/30/96	06/30/95	06/30/94
5	01665737	MAPLE FARM NURSING CENTER	12/31/96	12/31/95	12/31/94
5	00916242	MEADOWS NURSING CENTER	06/30/96	06/30/95	06/30/94
5	00751554	MENNONITE HOME, THE	06/30/96	06/30/95	06/30/94
5	00747981	MESSIAH VILLAGE	06/30/96	06/30/95	06/30/94
5	00993199	MIFFLIN CENTER	12/31/96	12/31/95	12/31/94
5	00755535	MORAVIAN MANOR	12/31/96	12/31/95	12/31/94
5	01071974	MOUNTAIN CITY CONVALESCENT AND REHAB CTR	06/30/96	06/30/95	06/30/94
5	01390555	MOUNTAIN VIEW CARE CENTER	06/30/96	06/30/95	06/30/94
5	01247871	MUHLENBERG REHABILITATION CARE CENTER	06/30/96	06/30/95	06/30/94
5	00892964	ORANGEVILLE NURSING AND REHAB CENTER	06/30/96	06/30/95	06/30/94
5	00949207	PERRY VILLAGE	12/31/95	12/31/94	12/31/93
5	01304216	PHOEBE BERKS HEALTH CARE CENTER, INC	06/30/96	06/30/95	06/30/94
5	00751311	PLEASANT VIEW RETIREMENT COMMUNITY	12/31/95	12/31/94	12/31/93
5	00749681	QUARRYVILLE PRESBYTERIAN HOME	06/30/96	06/30/95	06/30/94
5	00750566	REST HAVEN-YORK	06/30/96	06/30/95	06/30/94
5	00993484	RIVERSTREET MANOR	12/31/96	12/31/95	12/31/94
5	00749396	SAINT ANNE'S HOME	06/30/96	06/30/95	06/30/94
5	00924683	SAINT LUKE PAVILION	12/31/95	12/31/94	12/31/93
5	00750904	SAINT MARY'S HOME OF ERIE	12/31/95	12/31/94	12/31/93
5	01550908	SHIPPENSBURG HEALTH CARE CENTER	12/31/96		
5	00776123	SLATE BELT NURSING AND REHAB CENTER	06/30/96	06/30/95	06/30/94
5	00854613	SPRUCE MANOR NURSING AND REHAB CENTER	06/30/96	06/30/95	06/30/94
5	01005164	SUMMIT HEALTH CARE CENTER, INC	12/31/96	12/31/95	12/31/94
5	01240790	SUSQUEHANNA CENTER	06/30/96	06/30/95	06/30/94
5	00949136	SUSQUEHANNA LUTHERAN VILLAGE	12/31/95	12/31/94	12/31/93
5	00887712	TAYLOR NURSING AND REHAB CENTER	06/30/96	06/30/95	06/30/94
5	01005440	TWINBROOK MEDICAL CENTER	06/30/96	06/30/95	06/30/94
5	00755965	VILLA TERESA	12/31/95	12/31/94	12/31/93
5	00745477	WEATHERWOOD-CARBON COUNTY NH & REHAB CTR	12/31/95	12/31/94	12/31/93
5	00750664	WESLEY VILLAGE	12/31/95	12/31/94	12/31/93
5	00886448	WESTERN RESERVE HEALTH AND REHAB CENTER	12/31/96	12/31/95	12/31/94
PG 5	Resident Care Median		Other Resident Care Median		Administrative Median
	\$ 56.20		\$ 25.55		\$11.36
PG 5	Resident Care Price		Other Resident Care Price		Administrative Price
	\$ 65.75		\$ 28.62		\$11.81
6	01013308	ABINGTON CREST NURSING AND REHAB CENTER	06/30/96	06/30/95	06/30/94
6	00914266	AUDUBON VILLA	06/30/96	06/30/95	06/30/94
6	00747927	BALL PAVILION, THE	06/30/96	06/30/95	06/30/94
6	00881610	BEAR CREEK HEALTH CARE CENTER INC	06/30/96	06/30/95	06/30/94
6	00746590	BETHANY VILLAGE RETIREMENT CENTER	12/31/95	12/31/94	12/31/93
6	01630633	BLAKELY-PINE HEALTH CARE CENTER	12/31/95	12/31/94	12/31/93
6	01682872	BLUE RIDGE HAVEN CONVAL CENTER - EAST	12/31/96	12/31/95	12/31/94
6	00751581	BONHAM NURSING CENTER	12/31/96	12/31/95	12/31/94
6	00985571	BUTLER VALLEY MANOR	06/30/96	06/30/95	06/30/94
6	00745243	CALVARY FELLOWSHIP HOMES, INC	06/30/96	06/30/95	06/30/94
6	01391490	CAMP HILL CARE CENTER	12/31/96	12/31/95	12/31/94
6	00745593	CARBONDALE NURSING HOME, INC	12/31/95	12/31/94	12/31/93
6	00745163	CHAPEL POINTE AT CARLISLE	12/31/95	12/31/94	12/31/93

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6	00747604	CHURCH OF GOD HOME, INC	12/31/95	12/31/94	12/31/93
6	01281640	CUMBERLAND CROSSINGS	06/30/96	06/30/95	06/30/94
6	00744890	DAVIS MANOR	06/30/96	06/30/95	06/30/94
6	00891125	DENVER NURSING HOME	06/30/96	06/30/95	06/30/94
6	01682881	ERIE REHABILITATION AND NURSING CENTER	12/31/96	12/31/95	12/31/94
6	00756686	FAIRMOUNT HOMES	06/30/96	06/30/95	06/30/94
6	01690613	FOREST PARK HEALTH CENTER	12/31/95	12/31/94	12/31/93
6	01420135	FOREST VIEW	06/30/96	06/30/95	
6	01692716	GETHSEMANE RETIREMENT COMM AND REHAB CTR	06/30/96	06/30/95	06/30/94
6	00985188	GREEN RIDGE NURSING HOME	06/30/96	06/30/95	06/30/94
6	01004855	HAMPTON HOUSE	06/30/96	06/30/95	06/30/94
6	01474243	HEALTHSOUTH REHAB - MECHANICSBURG RENOVA	12/31/95	12/31/93	12/31/91
6	00747551	HERITAGE HOUSE	06/30/96	06/30/95	06/30/94
6	00750996	HOLY FAMILY RESIDENCE	12/31/95	12/31/94	12/31/93
6	00757594	HOMELAND CENTER	06/30/96	06/30/95	06/30/94
6	01063650	HOMESTEAD VILLAGE, INC	06/30/96	06/30/95	06/30/94
6	00757370	KEPLER HOME, INC, THE	12/31/95	12/31/94	12/31/93
6	01630642	KINGSTON HEALTH CARE CENTER	12/31/94	12/31/91	12/31/90
6	00757530	KINKORA PYTHIAN HOME	06/30/96	06/30/95	06/30/94
6	00989463	LAKESIDE NURSING CENTER	06/30/96	06/30/95	06/30/94
6	00838351	LANDIS HOMES	06/30/96	06/30/95	06/30/94
6	00747005	LEBANON VALLEY BRETHREN HOME	12/31/95	12/31/94	12/31/93
6	00749126	LEBANON VALLEY HOME, THE	12/31/95	12/31/94	12/31/93
6	00752210	LUTHER ACRES MANOR	12/31/95	12/31/94	12/31/93
6	00915693	LUTHER CREST NURSING FACILITY	12/31/95	12/31/94	12/31/93
6	00751966	LUTHERAN HOME FOR THE AGED	12/31/95	12/31/94	12/31/93
6	00747669	MANORCARE HEALTH SVCS-CAMP HILL	12/31/95	12/31/94	12/31/93
6	00752177	MANORCARE HEALTH SVCS-ELIZABETHTOWN	12/31/95	12/31/94	12/31/93
6	00757450	MARY ELLEN CONVALESCENT HOME, INC	06/30/96	06/30/95	06/30/94
6	01238854	MERCY CENTER NURSING UNIT, INC	12/31/95	12/31/94	12/31/93
6	00983049	MERCY HEALTH CARE CENTER	12/31/95	12/31/94	12/31/93
6	00755179	MIDDLETOWN HOME, THE	12/31/95	12/31/94	12/31/93
6	00754485	MILFORD VALLEY CONVALESCENT HOME, INC	12/31/95	12/31/94	12/31/93
6	01207929	MILLCREEK MANOR	06/30/96	06/30/95	06/30/94
6	00989089	MILLVILLE HEALTH CENTER	06/30/96	06/30/95	06/30/94
6	00747972	MISERICORDIA CONVALESCENT HOME	12/31/95	12/31/94	12/31/93
6	00754888	MOUNT HOPE DUNKARD BRETHREN CHURCH HOME	06/30/96	06/30/95	06/30/94
6	01493436	MOUNTAIN REST NURSING HOME	06/30/96	06/30/94	06/30/93
6	00947258	NIPPLE CONVALESCENT HOME	12/31/95	12/31/94	12/31/93
6	01418781	NORMANDIE RIDGE	12/31/95	12/31/94	
6	00891134	PALMYRA NURSING HOME	06/30/96	06/30/95	06/30/94
6	01582465	PINNACLE HEALTH ECF	06/30/95	06/30/94	06/30/93
6	01143518	PRAXIS NURSING HOME	06/30/96	06/30/95	06/30/94
6	00756819	PRESBYTERIAN LODGE	12/31/95	12/31/94	12/31/93
6	01232977	RHEEMS NURSING CENTER, INC	12/31/95	12/31/94	12/31/93
6	00750753	SAINT LUKE MANOR	12/31/95	12/31/94	12/31/93
6	00754940	SAINT MARY'S VILLA NURSING HOME, INC	12/31/95	12/31/94	12/31/93
6	01106793	SARAH A REED RETIREMENT CENTER, THE	06/30/96	06/30/95	06/30/94
6	01674763	SARAH A TODD MEMORIAL HOME	12/31/95	12/31/94	12/31/93
6	00749592	SHREWSBURY LUTHERAN RETIREMENT VILLAGE	12/31/95	12/31/94	12/31/93
6	00757146	SMITH NURSING & CONVAL HOME-MOUNTAINTOP	06/30/96	06/30/95	06/30/94
6	00750261	SPANG CREST MANOR	12/31/95	12/31/94	12/31/93
6	01522529	STONEBRIDGE HEALTH AND REHAB CENTER	12/31/96		
6	01453127	STONERIDGE VILLAGE	12/31/95		
6	01690650	SWAIM HEALTH CENTER	12/31/95	12/31/94	12/31/93
6	01119719	THAELER HEALTH CARE CENTER	06/30/96	06/30/95	06/30/94
6	00767142	THORNWALD HOME	12/31/95	12/31/94	12/31/93
6	00891116	TWIN OAKS NURSING HOME	06/30/96	06/30/95	06/30/94
6	00748853	UNITED ZION RETIREMENT COMMUNITY	12/31/95	12/31/94	12/31/93
6	01691076	WESTMINSTER VILLAGE	12/31/95	12/31/94	12/31/93



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6	00754556	YORK LUTHERAN HOME	12/31/95	12/31/94	12/31/93
6	00756407	ZERBE SISTERS NURSING CENTER, INC.	06/30/96	06/30/95	06/30/94
PG 6	Resident Care Median	Other Resident Care Median	Administrative Median		
	\$ 56.74	\$ 27.13	\$12.04		
PG 6	Resident Care Price	Other Resident Care Price	Administrative Price		
	\$ 66.39	\$ 30.39	\$12.52		
8	00754977	ARBUTUS PARK MANOR	06/30/96	06/30/95	06/30/94
8	01513243	BUCHANAN COMMONS	06/30/96	06/30/94	06/30/93
8	00583842	CENTRE CREST HOME	12/31/95	12/31/94	12/31/93
8	00752041	CHURCH OF THE BRETHREN HOME	06/30/96	06/30/95	06/30/94
8	00748343	GARVEY MANOR	12/31/95	12/31/94	12/31/93
8	00908563	GILMORE'S WHITE CLIFF NURSING HOME	12/31/95	12/31/94	12/31/93
8	01391534	HILLVIEW HEALTH AND REHAB CENTER	12/31/96	12/31/95	12/31/94
8	01568205	HOMEWOOD AT MARTINSBURG PA INC	12/31/96	12/31/95	12/31/94
8	00854524	MANORCARE HEALTH SVCS-JERSEY SHORE	12/31/95	12/31/94	12/31/93
8	00858579	MANORCARE HEALTH SVCS-WILLIAMSPORT NORTH	12/31/95	12/31/94	12/31/93
8	01539947	MEADOW VIEW NURSING CENTER	12/31/94	12/31/93	12/31/92
8	00750969	ORCHARD MANOR, INC	06/30/96	06/30/95	06/30/94
8	00750305	PRESBYTERIAN HOME OF THE MOSHANNON VLLY	12/31/95	12/31/94	12/31/93
8	01140365	ROSE VIEW CENTER	06/30/96	06/30/95	06/30/94
8	00748666	SAINT PAUL HOMES	12/31/95	12/31/94	12/31/93
8	00748620	SIEMONS' LAKEVIEW MANOR ESTATE	06/30/96	06/30/95	06/30/94
8	01690669	SYCAMORE MANOR HEALTH CENTER	12/31/95	12/31/94	12/31/93
8	01263768	UNIVERSITY PARK NURSING CENTER	12/31/95	12/31/94	12/31/93
8	00754663	VALLEY VIEW HOME	12/31/95	12/31/94	12/31/93
8	01402852	VALLEY VIEW NURSING CENTER	12/31/94		
8	00749298	WILLIAMSPORT HOME, THE	12/31/96	12/31/95	12/31/94
8	01678252	WOODLAND PLACE	12/31/95	12/31/94	12/31/93
PG 8	Resident Care Median	Other Resident Care Median	Administrative Median		
	\$ 54.04	\$ 27.27	\$10.46		
PG 8	Resident Care Price	Other Resident Care Price	Administrative Price		
	\$ 63.23	\$ 30.54	\$10.88		
9	00745870	CLEPPER CONVALESCENT HOME INC	12/31/96	12/31/95	12/31/94
9	01299009	COUNTRYSIDE CONVAL HOME LTD PARTNERSHIP	06/30/96	06/30/95	06/30/94
9	00749000	EPWORTH MANOR	12/31/95	12/31/94	12/31/93
9	00989507	GOOD SAMARITAN NSG CARE CTR-JOHNSTOWN	12/31/95	12/31/94	12/31/93
9	00756766	GROVE MANOR	06/30/96	06/30/95	06/30/94
9	00970640	HAIDA MANOR	12/31/96	12/31/95	12/31/94
9	00897272	HOSPITALITY CARE CENTER OF HERMITAGE INC	12/31/95	12/31/94	12/31/93
9	00747328	JOHN XXIII HOME	12/31/95	12/31/94	12/31/93
9	01398900	LAUREL VIEW VILLAGE	06/30/96	06/30/95	06/30/94
9	01562201	LAUREL WOOD CONVALESCENT CENTER	12/31/95	12/31/94	12/31/93
9	00755070	LUTHERAN HOME AT HOLLIDAYSBURG, THE	12/31/95	12/31/94	12/31/93
9	00754761	LUTHERAN HOME AT JOHNSTOWN, THE	12/31/95	12/31/94	12/31/93
9	00854533	MANORCARE HEALTH SVCS-WILLIAMSPORT SOUTH	12/31/95	12/31/94	12/31/93
9	00970612	MEYERSDALE MANOR	12/31/96	12/31/95	12/31/94
9	01148200	MORAN'S HOME, INC	12/31/96	12/31/95	12/31/94
9	00747220	MORRISONS COVE HOME	12/31/95	12/31/94	12/31/93
9	01132980	NUGENT CONVALESCENT HOME	12/31/95	12/31/94	12/31/93
9	00757164	PRESBYTERIAN HOME OF REDSTONE PRESBYTERY	12/31/95	12/31/94	12/31/93
9	00755428	PRESBYTERIAN HOMES-PRESBYTERY-HUNTINGDON	12/31/95	12/31/94	12/31/93
9	00970597	RICHLAND MANOR	12/31/96	12/31/95	12/31/94
9	01586778	SOMERSET PATRIOT MANOR	12/31/95	06/30/93	
PG 9	Resident Care Median	Other Resident Care Median	Administrative Median		
	\$ 47.87	\$ 25.92	\$10.51		

<i>Median Pee Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>2nd Most Recent Cost Report End Date</i>	<i>3rd Most Recent Cost Report End Date</i>
PG 9	Resident Care Price \$ 56.01	Other Resident Care Price \$ 29.03	Administrative Price \$10.93		
11	00928038	ALLEGHENY MANOR	12/31/96	12/31/95	12/31/94
11	00755357	ARMSTRONG COUNTY HOME	12/31/95	12/31/94	12/31/93
11	01586769	BEACON MANOR	12/31/95	06/30/93	06/30/92
11	00751287	BRADFORD COUNTY MANOR	12/31/95	12/31/94	12/31/93
11	01076219	BRADFORD MANOR	12/31/96	12/31/95	12/31/94
11	00747640	BROAD ACRES NURSING HOME ASSOCIATION	12/31/96	12/31/95	12/31/94
11	00854622	BROAD MOUNTAIN NURSING AND REHAB CENTER	06/30/96	06/30/95	06/30/94
11	00745762	CHRIST THE KING MANOR	06/30/96	06/30/95	06/30/94
11	00754903	CLARVIEW NURSING AND REHAB CENTER	12/31/96	12/31/95	12/31/94
11	00747622	CRAWFORD COUNTY CARE CENTER	12/31/95	12/31/94	12/31/93
11	00951706	CURWENSVILLE NURSING HOME, INC	12/31/96	12/31/95	12/31/94
11	00746349	DUBOIS NURSING HOME	06/30/96	06/30/95	06/30/94
11	00747480	ELK HAVEN NURSING HOME	06/30/96	06/30/95	06/30/94
11	00755446	ELLEN MEMORIAL HEALTH CARE CENTER	06/30/96	06/30/95	06/30/94
11	00884004	FOREST CITY NURSING CENTER	06/30/96	06/30/95	06/30/94
11	01391525	FRANKLIN CARE CENTER	12/31/96	12/31/95	12/31/94
11	00745074	FRANKLIN COUNTY NURSING HOME	12/31/95	12/31/94	12/31/93
11	00745261	GOLDEN HILL NURSING HOME, INC	06/30/96	06/30/95	06/30/94
11	00941989	GRANDVIEW ADVANCED HEALTH SERVICES	12/31/96	12/31/95	12/31/94
11	00755375	GRANDVIEW HEALTH HOMES, INC	06/30/96	06/30/95	06/30/94
11	00756891	GREEN ACRES - ADAMS COUNTY HOME	12/31/95	12/31/94	12/31/93
11	00756579	GREEN HOME, INC, THE	06/30/96	06/30/95	12/31/93
11	00989150	HIGHLANDS CARE CENTER	12/31/95	12/31/94	12/31/93
11	00747337	HILLVIEW MANOR - LAWRENCE COUNTY HOME	12/31/95	12/31/94	12/31/93
11	01274805	HOMETOWN NURSING AND REHAB CENTER	12/31/95	12/31/94	12/31/93
11	00860791	INDIAN CREEK NURSING CENTER	06/30/96	06/30/95	06/30/94
11	00751886	INDIAN HAVEN NURSING CENTER	12/31/95	12/31/94	12/31/93
11	01468907	INTEGRATED HLTH SRVCS - JULIA RIBAUDO	12/31/95	12/31/93	12/31/92
11	01033463	JEFFERSON MANOR HEALTH CENTER	06/30/96	06/30/95	06/30/94
11	01690622	JULIA POUND CARE CENTER	12/31/95	12/31/94	12/31/93
11	00893729	KRAMM HEALTHCARE CENTER, INC	06/30/96	06/30/95	06/30/94
11	00747266	KRAMM NURSING HOME, INC	06/30/96	06/30/95	06/30/94
11	00854570	MANORCARE HEALTH SVCS-CHAMBERSBURG	12/31/95	12/31/94	12/31/93
11	00855165	MANORCARE HEALTH SVCS-POTTSVILLE	12/31/95	12/31/94	12/31/93
11	00854506	MANORCARE HEALTH SVCS-SUNBURY	12/31/95	12/31/94	12/31/93
11	01391543	MEADVILLE HEALTH AND REHAB CENTER	12/31/96	12/31/95	12/31/94
11	00748512	MENNO-HAVEN, INC.	12/31/96	12/31/95	12/31/94
11	00913302	MOUNT CARMEL NURSING AND REHAB CENTER	12/31/95	12/31/94	12/31/93
11	00963799	MOUNTAIN LAUREL NRC	06/30/96	06/30/95	06/30/94
11	01391516	NEW BEGINNINGS SPECIALTY CARE	12/31/96	12/31/95	12/31/94
11	00790570	NOTTINGHAM VILLAGE	12/31/95	12/31/94	12/31/93
11	00949163	OHESSON MANOR	12/31/95	12/31/94	12/31/93
11	00776642	OIL CITY PRESBYTERIAN HOME	12/31/95	12/31/94	12/31/93
11	01301303	ORWIGSBURG CENTER	06/30/96	06/30/95	06/30/94
11	00997509	PENN LUTHERAN VILLAGE	12/31/95	12/31/94	12/31/93
11	00949216	PENNNKNOLL VILLAGE NURSING HOME	12/31/95	12/31/94	12/31/93
11	00754547	PINEY MOUNTAIN HOME	06/30/96	06/30/95	06/30/94
11	00861959	PLEASANT VALLEY MANOR, INC	12/31/95	12/31/94	12/31/93
11	00749627	QUINCY UNITED METHODIST HOME	12/31/95	12/31/94	12/31/93
11	00749073	REST HAVEN	12/31/95	12/31/94	12/31/93
11	00754707	RIVER WOODS	12/31/95	12/31/94	12/31/93
11	00749117	ROLLING FIELDS, INC	12/31/95	12/31/94	12/31/93
11	01505063	ROLLING MEADOWS	06/30/96	12/31/94	12/31/93
11	00756793	ROUSE WARREN COUNTY HOME	12/31/95	12/31/94	12/31/93
11	01205791	SCHUYLKILL CENTER	06/30/96	06/30/95	06/30/94
11	00754850	SENA-KEAN MANOR	12/31/95	12/31/94	12/31/93
11	00886081	SHENANDOAH MANOR NURSING CENTER	12/31/95	12/31/94	12/31/93
11	01626292	SHEPHERD'S CHOICE OF GETTYSBURG, THE	06/30/96	06/30/95	06/30/94
11	01688769	STROUD MANOR	12/31/96	12/31/95	12/31/94

<i>Median Pee Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>2nd Most Recent Cost Report End Date</i>	<i>3rd Most Recent Cost Report End Date</i>
11	01677157	SUGAR CREEK STATION SKILLED NSG & REHAB	12/31/95	12/31/94	12/31/93
11	00949557	SUSQUE VIEW HOME, INC	12/31/95	12/31/94	12/31/93
11	01076255	SWEDEN VALLEY MANOR	12/31/96	12/31/95	12/31/94
11	00860245	TREMONT HEALTH AND REHABILITATION CENTER	06/30/96	06/30/95	06/30/94
11	00756560	VALLEY VIEW HAVEN, INC	12/31/96	12/31/95	12/31/94
11	01076264	WARREN MANOR	12/31/96	12/31/95	12/31/94
11	00982408	WESBURY UNITED METHODIST COMMUNITY	12/31/95	12/31/94	12/31/93
11	01680724	WILLIAM PENN HEALTH AND REHAB CENTER	12/31/96	12/31/95	12/31/94
11	01263089	WOODLAND RETIREMENT CENTER	12/31/95	12/31/94	12/31/93
PG 11	Resident Care Median		Other Resident Care Median		Administrative Median
	\$ 53.59		\$ 24.24		\$ 9.78
PG 11	Resident Care Price		Other Resident Care Price		Administrative Price
	\$ 62.70		\$ 27.15		\$10.17
12	01391561	BEVERLY HEALTHCARE - TITUSVILLE	12/31/96	12/31/95	12/31/94
12	01391507	BEVERLY HEALTHCARE - WARREN	12/31/96	12/31/95	12/31/94
12	01169200	BRADFORD ECUMENICAL HOME, INC	12/31/95	12/31/94	12/31/93
12	01090002	BRADFORD NURSING PAVILION	06/30/96	06/30/95	06/30/94
12	01701388	BROOKLINE MANOR	06/30/95	06/30/94	06/30/93
12	00835411	BROOKMONT HEALTH CARE CENTER INC	06/30/96	06/30/95	06/30/94
12	00948809	BUFFALO VALLEY LUTHERAN VILLAGE	12/31/95	12/31/94	12/31/93
12	01429631	CALEDONIA MANOR	12/31/96	12/31/95	12/31/94
12	01631407	CARLETON SENIOR CARE AND REHAB CENTER	06/30/96	06/30/95	12/31/92
12	00755992	DAR WAY NURSING HOME, INC	06/30/96	06/30/95	06/30/94
12	00746447	DONAHOE MANOR	06/30/96	06/30/95	06/30/94
12	01553131	FRIENDLY NURSING HOME - PITMAN	06/30/95	06/30/94	06/30/93
12	00754476	GETTYSBURG LUTHERAN HOME	12/31/95	12/31/94	12/31/93
12	00746957	GOLD STAR NURSING HOME	06/30/96	06/30/95	06/30/94
12	00752103	GUY AND MARY FELT MANOR, INC	06/30/96	06/30/95	06/30/94
12	00751035	HAVEN CONVALESCENT HOME, INC	12/31/95	12/31/94	12/31/93
12	01646731	HEIGHTS NURSING HOME AT LOCUST MOUNTAIN	06/30/96	06/30/95	06/30/94
12	01411341	HERITAGE VALLEY HEALTH CARE	12/31/96	12/31/95	12/31/94
12	00897165	HIGHLAND HALL CARE CENTER	06/30/96	06/30/95	06/30/94
12	01285433	HIGHLAND VIEW	06/30/96	06/30/95	06/30/94
12	01526457	HUNTINGDON MANOR	06/30/96	06/30/94	12/31/92
12	00981429	KINZUA VALLEY HEALTH CARE	12/31/96	12/31/95	12/31/94
12	01590654	KITTANNING CARE CENTER	06/30/95	06/30/94	06/30/93
12	01013291	KRAMM HEALTHCARE - BROADWAY	06/30/96	06/30/95	06/30/94
12	00754799	LAUREL MANOR	06/30/96	06/30/95	06/30/94
12	00949225	LOCUST GROVE RETIREMENT VILLAGE	12/31/95	12/31/94	12/31/93
12	00746993	LUTHERAN HOME AT KANE, THE	12/31/95	12/31/94	12/31/93
12	00747364	MALTA HOME	12/31/95	12/31/94	12/31/93
12	00901670	MANSION NURSING AND CONVALESCENT HOME	12/31/96	12/31/95	12/31/94
12	01121548	MARIA JOSEPH MANOR	12/31/95	12/31/94	12/31/93
12	01633180	MEADOW VIEW SENIOR LIVING CENTER	12/31/95	12/31/94	12/31/93
12	00754734	MEDA NIPPLE CONVALESCENT HOME	12/31/95	12/31/94	12/31/93
12	01500951	MENNO-HAVEN PENN HALL, INC	12/31/95		
12	01126689	MOUNTAIN VIEW MANOR	12/31/96	12/31/95	12/31/94
12	01630230	MULBERRY SQUARE	12/31/96	12/31/95	12/31/94
12	00906504	OVERLOOK MEDICAL CLINIC INC	12/31/95	12/31/94	12/31/93
12	00755230	PENNSYLVANIA MEMORIAL HOME	06/30/96	06/30/95	06/30/94
12	00749725	RATHFON CONVALESCENT HOME	06/30/96	06/30/95	06/30/94
12	01493445	ROLLING HILLS MANOR	06/30/96	06/30/94	06/30/93
12	00757226	SAYRE HOUSE, INC	06/30/96	06/30/95	06/30/94
12	00756031	SCENERY HILL MANOR	12/31/95	12/31/94	12/31/93
12	01473273	SHENANGO PRESBYTERIAN HOME	12/31/95		
12	00755221	SHOOK HOME, THE	12/31/95	12/31/94	12/31/93
12	00906498	SILVER OAKS NURSING CENTER	12/31/95	12/31/94	12/31/93
12	01092974	SNYDER MEMORIAL HEALTH CARE CENTER	12/31/95	12/31/94	12/31/93
12	01391552	SPRINGS MANOR CARE CENTER	12/31/96	12/31/95	12/31/94

<i>Median Pee Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>2nd Most Recent Cost Report End Date</i>	<i>3rd Most Recent Cost Report End Date</i>
12	00966807	SUGAR CREEK REST	06/30/96	06/30/95	06/30/94
12	01483313	WAYNE WOODLANDS MANOR	06/30/96		
12	00895920	YORK TERRACE NURSING CENTER	12/31/96	12/31/95	12/31/94
12	01553140	ZENDT HOME, THE	06/30/95	06/30/94	06/30/93
PG 12	Resident Care Median \$ 51.59	Other Resident Care Median \$ 24.62	Administrative Median \$10.99		
PG 12	Resident Care Price \$ 60.36	Other Resident Care Price \$ 27.57	Administrative Price \$11.43		
13	00756701	GOOD SHEPHERD HOME LTC FACILITY, INC	06/30/96	06/30/95	06/30/94
13	00756040	INGLIS HOUSE WHEELCHAIR COMMUNITY	06/30/96	06/30/95	06/30/94
13	00879013	MARGARET E. MOUL HOME	06/30/96	06/30/95	06/30/94
PG 13	Resident Care Median \$ 105.76	Other Resident Care Median \$ 65.10	Administrative Median \$19.41		
PG 13	Resident Care Price \$ 123.74	Other Resident Care Price \$ 72.91	Administrative Price \$20.19		
14	01693375	ALLEGHENY UNIV MED CTR-CANONSBURG SNU	06/30/96	06/30/95	06/30/94
14	01275956	ASHLAND REGIONAL LONG TERM CARE CENTER	06/30/96	06/30/95	06/30/94
14	00747140	BARNES-KASSON COUNTY HOSPITAL SNF	06/30/96	06/30/95	06/30/94
14	00745824	BERWICK RETIREMENT VILLAGE NRSNG HOME	06/30/96	06/30/95	06/30/94
14	00744630	BUCKTAIL MEDICAL CENTER	06/30/96	06/30/95	06/30/94
14	00754832	CHARLES COLE MEMORIAL HOSPITAL ECF	06/30/96	06/30/95	06/30/94
14	01092240	CHESTNUT HILL REHABILITATION HOSP SNU	06/30/96	06/30/95	06/30/94
14	00756550	FULTON COUNTY MEDICAL CENTER LTCU	06/30/96	06/30/95	06/30/94
14	00751643	GEORGE L HARRISON HOUSE OF EPISCOPAL HSP	06/30/96	06/30/95	06/30/94
14	00746723	GNADEN HUETTEN NURSING AND CONVAL CENTER	06/30/95	06/30/94	06/30/93
14	00747631	GRAND VIEW HOSPITAL SKILLED NURSING FAC	06/30/96	06/30/95	06/30/94
14	00756882	HOME FOR THE JEWISH AGED - SLEY BLDG	06/30/96	06/30/95	06/30/94
14	00747041	LOCK HAVEN HOSPITAL E.C.U.	06/30/96	06/30/95	06/30/94
14	01631480	MEDICAL CENTER, BEAVER, PA, THE	06/30/96	06/30/95	06/30/94
14	00754654	MEMORIAL HOSPITAL INC SNU	06/30/96	06/30/95	06/30/94
14	01275268	MINERS MEMORIAL GERIATRIC CENTER	06/30/96	06/30/95	06/30/94
14	00751438	MOSES TAYLOR HOSPITAL S.N.F.	06/30/96	06/30/95	06/30/94
14	00748100	MUNCY VALLEY HOSPITAL SNU	06/30/96	06/30/95	06/30/94
14	00747239	PINECREST MANOR	06/30/96	06/30/95	06/30/94
14	01582456	PINNACLE HEALTH ECF HB	06/30/95	06/30/94	06/30/93
14	01588683	PINNACLE HEALTH SNU - SEIDLE	06/30/95	06/30/94	06/30/93
14	01073692	SAINT FRANCIS HOSPITAL OF NEW CASTLE SNC	06/30/96	06/30/95	06/30/94
14	00749369	SOMERSET HOSPITAL CENTER FOR HEALTH	06/30/96	06/30/95	06/30/94
14	01179074	SUBURBAN GENERAL SKILLED NURSING UNIT	06/30/96	06/30/95	06/30/94
14	00749387	SUNBURY COMMUNITY HOSPITAL SNF	06/30/96	06/30/95	06/30/94
14	00836230	WILLOWCREST-BAMBERGER	06/30/96	06/30/95	06/30/94
PG 14	Resident Care Median \$ 78.58	Other Resident Care Median \$ 51.17	Administrative Median \$15.95		
PG 14	Resident Care Price \$ 91.94	Other Resident Care Price \$ 57.31	Administrative Price \$16.59		

[Pa.B. Doc. No. 98-2072. Filed for public inspection December 18, 1998, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Application for Lease of Right of Way

#### District 12-0

The Department of Transportation, pursuant to the authority contained in Section 2002(C) of the Administrative Code (71 P. S. § 512(C) and in 67 Pa. Code § 495.4, gives notice that an application to lease highway right of way has been submitted to the Department by Robert H. Hepler and Miriam N. Hepler of 502 Burton Avenue, Youngwood PA 15697 seeking to lease highway right of way located adjacent to SR 119 and adjacent to Hepler's Town and Country Center, Inc., in the Borough of New Stanton, Westmoreland County, Pennsylvania, 15,246 square feet, for the purpose of utilizing said premises in connection with the business of Hepler's Town and Country Center, Inc. Interested persons are invited to submit, within thirty (30) days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to Michael H. Dufalla, P.E., District Engineer, Engineering District 12-0, P. O. Box 459, Uniontown, Pennsylvania 15401.

Questions regarding this application or the proposed use may be directed to: Myron J. Hartos, Right of Way Administrator, P. O. Box 459, Uniontown PA 15401, Telephone: (724) 439-7354.

BRADLEY L. MALLORY,  
Secretary

[Pa.B. Doc. No. 98-2073. Filed for public inspection December 18, 1998, 9:00 a.m.]

### Application for Lease of Right-of-Way

#### District 10

The Department of Transportation, pursuant to the authority contained in Section 2002(c) of the Administrative Code (71 P. S. § 512(c)) and in 67 Pa. Code § 495.4, gives notice that an application to lease highway right-of-way has been submitted to the Department by Blairsville Borough, of 203 East Market Street, Blairsville, PA 15717, seeking to lease highway right-of-way located at intersection of Market and Liberty Streets, Blairsville Borough, Indiana County, 0.15 acres  $\pm$ , adjacent to SR 2002, for purposes of Erecting Public Bandstand.

Interested persons are invited to submit, within thirty (30) days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to Richard H. Hogg, P.E., District Engineer, Engineering District 10-0, PO Box 429, Indiana, PA 15701.

Questions regarding this application or the proposed use may be directed to: R. K. Cornman, R/W Administrator 10-0, PO Box 429, Indiana, PA 15701, (724) 357-2835.

BRADLEY L. MALLORY,  
Secretary

[Pa.B. Doc. No. 98-2074. Filed for public inspection December 18, 1998, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION AND DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Proposed Revision to the State Implementation Plan; Vehicle Emissions Inspection/Maintenance Program Evaluation Methodology; Notice of Availability for Public Comment

The Commonwealth of Pennsylvania, consistent with the provisions of 67 Pa. Code 177.24 and 40 CFR 51.353 (c), is required by the U.S. Environmental Protection Agency (EPA) to conduct an on-going biennial evaluation to establish the emission reductions achieved from its enhanced vehicle emissions inspection/maintenance (I/M) program. This program is currently in place in nine counties (Bucks, Chester, Delaware, Montgomery, Philadelphia, Allegheny, Beaver, Washington and Westmoreland counties). On October 30, 1998, EPA approved three alternative evaluation methods which it believes are more practical for states with decentralized programs than its original mass emissions transient testing evaluation method.

The Commonwealth is seeking public comment on its choice of the Sierra Research Method for program evaluation. The Sierra Research method relies on statistical sampling and analysis of state I/M program data, modeling data and correlation to a base I/M program used as a benchmark for effectiveness.

Three public hearings will be held as follows:

Wednesday, January 20, 1999  
11 a.m. to 1 p.m.  
Pennsylvania Emissions Team  
414 Commerce Drive  
Suite 175  
Fort Washington, PA 19034

Thursday, January 21, 1999  
10 a.m. to 12 noon  
Department of Environmental Protection  
Southwest Regional Office  
Allegheny Room  
400 Waterfront Drive  
Pittsburgh, PA

Friday, January 22, 1999  
1 p.m. to 3 p.m.  
Department of Environmental Protection  
Hearing Room 2  
Rachel Carson State Office Building  
400 Market Street  
Harrisburg, PA 17105

Questions, comments, or suggestions regarding the Sierra Research method may be directed to:

Audrey F. Miner, Assistant Counsel  
Office of Chief Counsel  
Pennsylvania Department of Transportation  
555 Walnut Street, 9th Floor  
Harrisburg, Pennsylvania 17101-1900  
Telephone: (717) 787-5299

The proposed SIP revision describing how Pennsylvania intends to use the Sierra Research Method for I/M program evaluation may also be obtained from Ms. Miner at the above-mentioned address. A copy of the Sierra Research paper and EPA's guidance on program evaluation is also available. The proposed SIP revision is also posted on Pennsylvania's I/M website at <http://www.drivecleanpa.state.pa.us> (Choose Pennsylvania's Plan for Clean Air). EPA guidance is also posted at <http://www.epa.gov/oms/im.htm> (From I/M Guidance and Regulations, choose 10/31/98 METT Memorandum).

Persons interested in submitting written comments must forward their comments to Ms. Miner at the above-mentioned address not later than February 12, 1999.

Persons interested in presenting testimony at the hearings should contact:

Ms. Cindy Cashman  
Pennsylvania Department of Transportation  
Vehicle Inspection Division  
Riverfront Officer Center, 3rd Floor  
1101 South Front Street  
Harrisburg, Pennsylvania 17104  
Telephone: (717) 783-5841

Persons who do not reserve a time to testify, will be able to testify after pre-registered witnesses. Each witness must limit oral testimony to ten (10) minutes and present three (3) written copies of the oral testimony that they will be presenting. Each organization must designate one witness to present testimony on its behalf.

Persons with a disability who desire to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Ms. Cashman at the above-mentioned address. TDD users may call the AT&T Relay Service at 1-800-654-5984 to discuss how the Department can best accommodate their needs. When telephoning the AT&T Relay Service number, the caller must also indicate that the caller desires to contact Ms. Cashman at (717) 783-5841.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 98-2075. Filed for public inspection December 18, 1998, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Retention of Engineering Firms

**Bedford, Blair, Cambria, Fulton, Huntingdon and  
Somerset Counties  
Project Reference No. 08430AG2272**

The Department of Transportation will retain three (3) engineering firms for Open-End Contracts for engineering

and/or environmental services on various projects located in Engineering District 9-0, that is Bedford, Blair, Cambria, Fulton, Huntingdon and Somerset Counties. Each Contract will be for a sixty (60) month period with a maximum cost of \$1.0 million.

The Department will establish an order of ranking of a minimum of seven (7) firms for the purpose of negotiating three (3) engineering agreements based on the Department's evaluation of the letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

a. Ability to package and present the Letter of Interest in accordance with the "General Requirements and Information" section.

b. Specialized experience and technical competence of the firm. Firms must demonstrate on ability to analyze available data to make decisions and develop plans in a timely and cost effective manner.

c. Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on Open-End Contracts. The firms will also be evaluated on customer satisfaction, including accessibility, cooperation, and attitude toward previous projects.

d. The firms selected must be capable of providing adequate leadership and human resources to effectively complete multiple work orders of a similar or diverse nature. Strategic planning and organization is required for prompt turnaround time.

e. Firms must demonstrate their ability to communicate ideas and/or practices across units, including subconsultant, to improve the design process and better meet the requirements of the Department.

f. Relative size of firm to size of projects that may be completed under these Contracts.

g. Location of firm in respect to the District Office.

The selected firms will be required to provide necessary professional engineering and environmental services, material and equipment necessary to collect, analyze, map and organize data; conduct preliminary engineering alternative analyses; assess impacts; conduct agency and public involvement activities; prepare reports; design mitigation plans; and prepare engineering and environmental analyses.

The engineering services will encompass a wide range of design efforts with the possibility of several different types of projects being designed under short completion schedules. The anticipated types of projects include bridge replacement or bridge rehabilitation with minor approach work, environmental studies, roadway betterments (3R type), minor capital improvement projects (bridges or roadway), railroad grade crossing projects and minor location studies, etc.

The engineering firms may be required to perform field surveys; plot topography and cross sections; prepare submission for utility verification and relocations engineering; prepare all pertinent submissions and materials necessary for the Department to prepare the application to PUC and for the PUC field conference; attend and supply any required information for all PUC meetings

and hearings during the design of the project; develop erosion control details and narrative; prepare right of way plans; complete structure designs including type, size and location reports, core boring layouts and foundation designs; develop traffic control plans with narratives; conduct soils investigations and prepare soils reports; investigate utility involvement on projects; provide material for and participate in value engineering reviews; coordinate contacts with railroad officials and procure railroad related costs, permits, and insurance; collect signal timing, accident data and other traffic flow data; evaluate alternatives using benefit/cost analysis; document engineering study findings and activities; develop design review submissions as per applicable Department manuals, procedures and policies; and prepare construction plans, specifications, and estimates.

The areas of environmental study required under the Contracts may include, but are not limited to: air quality; noise; energy; vibration; hazardous waste; surface water and ground water quality; surface water and ground water hydrology; terrestrial ecology including threatened and endangered species; wetlands; soils; geology; farmlands; visual quality; socio-economic resources; cultural resources; Section 4(f) Determinations and Evaluations. The environmental studies will be conducted in accordance with currently accepted analysis techniques and methodologies.

The preliminary engineering alternative analyses required under the Contracts may include, but are not limited to, engineering required to assess impacts and mitigation; avoid and/or minimize impacts, assess the condition of historic structures; and avoid impacts to Section 4 (f) properties and waters of the United States.

The reports and other written and graphic materials to be prepared may include, but are not limited to, early coordination and scoping correspondence; plans of study; meeting minutes; public meeting and hearing presentations; visualization materials, handouts and displays; technical basis reports (TBRs); NEPA environmental documents; Section 106 documents; Section 4 (f) Evaluations; mitigation plans and reports; wetland and floodplain findings; and preliminary engineering plans, remote sensing/mapping innovations, policies, procedures and guidelines and training materials. The format and content of all documents will be consistent with applicable State and Federal regulations, policies and guidelines.

This is the general work effort involved. A more specific and project related scope of work will be outlined for each individual work order developed under these Open-End Contracts.

The second copy of the letter of interest and required forms (see "General Requirements and Information" section) shall be sent to: Mr. Earl L. Neiderhiser, P.E., District Engineer, District 9-0, 1620 N. Juniata Street, Hollidaysburg, PA 16648, Attention Mr. David L. Sherman, P.E.

Any technical questions concerning the requirements for this project should be directed to: Mr. David L. Sherman, P.E., at (814) 696-7172.

Any questions concerning the submittal of the letter of interest for this Open-End Contract can be directed to the Consultant Agreement Division at (717) 783-9309.

**Bedford, Blair, Cambria, Fulton, Huntingdon and Somerset Counties**  
**Project Reference No. 08430AG2273**

The Department of Transportation will retain one engineering firm for an Open-End Contract for environmental and/or engineering services on various projects located in Engineering District 9-0, that is Bedford, Blair, Cambria, Fulton, Huntingdon and Somerset Counties. The Contract will be for a sixty (60) month period with a maximum cost of \$1.0 million.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating one (1) engineering agreements based on the Department's evaluation of the letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Ability to package and present the Letter of Interest in accordance with the "General Requirements and Information" section.
- b. Specialized experience and technical competence of the firm. Firms must demonstrate on ability to analyze available data to make decisions and develop plans in a timely and cost effective manner.
- c. Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on Open-End Contracts. The firms will also be evaluated on customer satisfaction, including accessibility, cooperation, and attitude toward previous projects.
- d. The firms selected must be capable of providing adequate leadership and human resources to effectively complete multiple work orders of a similar or diverse nature. Strategic planning and organization is required for prompt turnaround time.
- e. Firms must demonstrate their ability to communicate ideas and/or practices across units, including subconsultant, to improve the design process and better meet the requirements of the Department.
- f. Relative size of firm to size of projects that may be completed under these Contracts.
- g. Location of firm in respect to the District Office.

The selected firms will be required to provide necessary professional engineering and environmental services, material and equipment necessary to collect, analyze, map and organize data; conduct preliminary engineering alternative analyses; assess impacts; conduct agency and public involvement activities; prepare reports; design mitigation plans; and prepare engineering and environmental analyses.

The engineering services will encompass a wide range of design efforts with the possibility of several different types of projects being designed under short completion schedules. The anticipated types of projects include bridge replacement or bridge rehabilitation with minor approach work, environmental studies, roadway betterments (3R type), minor capital improvement projects (bridges or roadway), railroad grade crossing projects and minor location studies, etc.

The engineering firms may be required to perform field surveys; plot topography and cross sections; prepare

submission for utility verification and relocations engineering; prepare all pertinent submissions and materials necessary for the Department to prepare the application to PUC and for the PUC field conference; attend and supply any required information for all PUC meetings and hearings during the design of the project; develop erosion control details and narrative; prepare right of way plans; complete structure designs including type, size and location reports, core boring layouts and foundation designs; develop traffic control plans with narratives; conduct soils investigations and prepare soils reports; investigate utility involvement on projects; provide material for and participate in value engineering reviews; coordinate contacts with railroad officials and procure railroad related costs, permits, and insurance; collect signal timing, accident data and other traffic flow data; evaluate alternatives using benefit/cost analysis; document engineering study findings and activities; develop design review submissions as per applicable Department manuals, procedures and policies; and prepare construction plans, specifications, and estimates.

The areas of environmental study required under the Contracts may include, but are not limited to: air quality; noise; energy; vibration; hazardous waste; surface water and ground water quality; surface water and ground water hydrology; terrestrial ecology including threatened and endangered species; wetlands; soils; geology; farmlands; visual quality; socio-economic resources; cultural resources; Section 4(f) Determinations and Evaluations. The environmental studies will be conducted in accordance with currently accepted analysis techniques and methodologies.

The preliminary engineering alternative analyses required under the Contracts may include, but are not limited to, engineering required to assess impacts and mitigation; avoid and/or minimize impacts, assess the condition of historic structures; and avoid impacts to Section 4 (f) properties and waters of the United States.

The reports and other written and graphic materials to be prepared may include, but are not limited to, early coordination and scoping correspondence; plans of study; meeting minutes; public meeting and hearing presentations; visualization materials, handouts and displays; technical basis reports (TBRs); NEPA environmental documents; Section 106 documents; Section 4 (f) Evaluations; mitigation plans and reports; wetland and floodplain findings; and preliminary engineering plans, remote sensing/mapping innovations, policies, procedures and guidelines and training materials. The format and content of all documents will be consistent with applicable State and Federal regulations, policies and guidelines.

This is the general work effort involved. A more specific and project related scope of work will be outlined for each individual work order developed under these Open-End Contracts.

The second copy of the letter of interest and required forms (see "General Requirements and Information" section) shall be sent to: Mr. Earl L. Neiderhiser, P.E., District Engineer, District 9-0, 1620 N. Juniata Street, Hollidaysburg, PA 16648, Attention Mr. David L. Sherman, P.E.

Any technical questions concerning the requirements for this project should be directed to: Mr. David L. Sherman, P.E., at (814) 696-7172.

Any questions concerning the submittal of the letter of interest for this Open-End Contract can be directed to the Consultant Agreement Division at (717) 783-9309.

### **Statewide Project Reference No. 08430AG2274**

The Department of Transportation will retain an engineering firm for an Open-End Contract for waste management/ pollution prevention/environmental health and safety services on various projects located throughout the State. The Contract will be for a sixty (60) month period with projects assigned on an as-needed basis. The maximum amount of the Open-End Contract will be \$3.0 million.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Open-End Contract based on the Department's evaluation of the letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Ability to package and present the Letter of Interest in accordance with the "General Requirements and Information" section.
- b. Past performance record with respect to work quality, cost control, and ability to meet schedules.
- c. Expertise of personnel.
- d. Ability to serve the entire state.
- e. Experience with the design and construction of highways and bridges.
- f. Experience dealing with environmental regulatory agencies.
- g. Management Quality Assurance/Quality Control.
- h. Ability to provide familiarization sessions to Departmental personnel.

Projects will be assigned on an as-needed basis and will involve District and Central Office activities. A wide range of waste management/pollution prevention/ environmental health and safety services may be required. The selected firm may be required to perform any or all of the following services: attend field views; prepare and disseminate right-of-entry letters; conduct site assessments (Phase I and II); develop waste management plans as a phase of highway construction; develop remediation plans, and provide construction oversight; prepare regulatory forms, including permits; review technical documents; perform UST investigations; develop health and safety plans; prepare toxicological risk assessments; prepare plans, specifications, and estimates for bid documents; prepare reports; perform pollution prevention/energy efficiency/compliance audits; and represent the Department at meetings with other agencies and the public.

The services identified above are the general work activities that can be expected under this Open-End Contract. A more specific and project-related Scope of Work will be outlined for each individual Work Order developed under this Open-End Contract.

Letters of Interest for this advertisement will be accepted by the Department if they are received within twenty-seven (27) calendar days after the date of this advertisement. This supercedes the twenty (20) calendar day deadline stated under the "General Requirements and Information" section.



The second copy of the letter of interest and required forms (see "General Requirements and Information" section) shall be sent to: Mr. Wayne W. Kober, Director, Bureau of Environmental Quality, 7th Floor, Forum Place, 555 Walnut Street, Harrisburg, PA 17101-1900.

Any technical questions concerning the requirements for this project should be directed to: Mr. Douglas E. Zimmerman, at (717) 783-3616.

Any questions concerning the submittal of the letter of interest for this Open-End Contract can be directed to the Consultant Agreement Division at (717) 783-9309.

#### **Bucks County**

#### **Project Reference No. 08430AG2275**

The Department of Transportation will retain an engineering firm for an Open-End Contract to provide supplementary construction inspection staff under the Department's Inspector(s)-in-Charge to perform construction inspection services on various projects in Bucks County in Engineering District 6-0, on an as-needed basis. The Contract will include roadway and bridge construction projects, and material plant inspection. The Contract will be for a period of sixty (60) months, with a maximum cost of one million (\$1,000,000) dollars.

It is anticipated that a maximum supplementary construction inspection staff of fifteen (15) inspectors will be required for this assignment.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Ability to package and present the Letter of Interest in accordance with the "General Requirements and Information" section.
- b. Review of inspectors' resumes with emphasis on construction inspection capabilities. Department and District experience and supervisory experience.
- c. Any specialized experience in asphalt paving, structures, concrete, drainage, paint inspection and Maintenance and Protection of Traffic.
- d. Number of NICET and NECEPT certified inspectors in each payroll classification.
- e. Understanding of Department's requirements, policies, and specifications.
- f. Ability to provide CPM scheduling, (TCM-1 Classification).
- g. Ability to provide a "CDS" operator or someone capable of inputting data into a personal computer, (TCIS Classification).
- h. Past Performance.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

A minimum of four (4) individuals submitted as part of your inspection staff must have a NECEPT Bituminous Field Technician Certification.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 1 (TCM-1)	1 (1)
(NICET Highway Construction Level 4 or equivalent)	
Transportation Construction Ins. Super. (TCIS)	3 (2)
(NICET Highway Construction Level 3 or equivalent)	
Transportation Construction Inspector (TCI)	6 (4)
(NICET Highway Construction Level 2 or equivalent)	
Technical Assistant (TA)	3 (1)
(NICET Highway Construction Level 1 or equivalent)	
NACE Intermediate Coating Inspector	1 (0)**
NACE Basic Coating Inspector	1 (0)**

\*\* These two (2) specialized classifications will be used for bridge painting inspection. Under these classifications, the selected firm must provide lead abatement training for these employees prior to any job assignment. In addition, the firm must establish, implement and maintain an effective employee medical surveillance in accordance with 29 CFR 1926 throughout the duration of this inspection.

These two (2) specialized classifications will have the following requirements:

1. NACE Intermediate Coating Inspector Training/or equivalent.

The inspector for the above NACE Intermediate Coating Inspector Training category shall have completed at least 80% of the required credits for this NACE category or equivalent training; also, shall have a minimum of five (5) years coating inspection experience on heavy industrial or highway projects; also, shall have a minimum of one (1) year experience of coatings inspection on a lead removal project where air monitoring, blood monitoring, containment and disposal of lead debris were performed; also, shall be knowledgeable in OSHA 1926.62 (lead) regulations, applicable OSHA regulations governing proper respirator usage (29 CFR 1910.134) and lead exposure (29 CFR 1910.1025) shall also be capable of "climbing" on high bridge members to perform coatings inspection; shall be capable of supervising/training lower level coatings inspectors (both consultant and state) if necessary. He shall also complete EPA accredited training for lead removal (Title X, Sections 402 and 404).

2. NACE Basic Coating Inspector Training/or equivalent.

The inspector for the NACE Basic Coating Inspector shall have completed at least 8-% of the required credits for this category or equivalent training also, shall have a minimum of three (3) years coating inspection experience on heavy industrial or highway project; also, shall have a minimum of six (6) months experience on lead removal project; also, shall be knowledgeable in OSHA 1926.62 (lead regulations) applicable OSHA regulations governing proper respirator usage (29 CFR 1910.134) and lead exposure (29 CFR 1910.1025); shall also be capable of

"climbing" on high bridge members to perform coatings inspection; shall also be capable of working with state inspectors; shall also complete EPA accredited training for lead removal (Title X, Section 402 and 404).

The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.

2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.

3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.

4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification. The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1998:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCM-1)	\$44.93
(TCIS)	\$39.36
(TCI)	\$34.43
(TA)	\$23.67
NACE Intermediate	\$58.15
Coating Inspector	
NACE Basic Coating Inspector	\$50.56

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation, or construction.

The firm selected will be required to supply the following equipment at no direct cost to the Department:

- Paint Test Kits per project as may be required
- Two-way Ratios per project as may be required
- Cellular Phone per project as may be required
- 35 MM camera per project

- Safety vests - high visibility for inspectors

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCM-1	2
TCIS	4
TCI	7
NACE Intermediate	2
NACE Basic	2

No resumes are required for the TA Classification.

The second copy of the letter of interest and required forms, (see general requirements and information section shall be sent to: Mr. Andrew Warren, District Administrator, District 6-0, 200 Radnor-Chester Road, St. Davids, PA 19087.

Any technical questions concerning the requirements for this project should be directed to: Mr. Brian Early, District 6-0, at (610) 864-6719.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

### **General Requirements and Information**

Firms interested in providing the above work and services are invited to submit two copies of a Letter of Interest are required information for each Project Reference Number for which the applicant wishes to be considered.

The first copy of the Letter of Interest and required information must be submitted to:

Mr. Charles W. Allwein, P.E., Chief  
Consultant Selection Committee  
7th Floor, Forum Place  
555 Walnut Street  
P. O. Box 3060  
Harrisburg, Pennsylvania 17105-3060

Note: The Zip Code for express Mailing is 17101-1900

The Letter of Interest and required information must be received within twenty (20) calendar days of this Notice. The Deadline for receipt of a Letter of Interest at the above address is 4:30 p.m. prevailing time of the twentieth day.

The second copy of the letter of interest and required information must be submitted to the appropriate District Engineer/Administrator or the Bureau Director as indicated in the individual advertisement. This copy must be postmarked or delivered on or before the deadline indicated above.

If an individual, firm, or corporation not authorized to engage in the practice of engineering desires to submit a Letter of Interest, said individual, firm, or corporation may do so as part of a Joint Venture with an individual, firm, or corporate which is permitted under the state law to engage in the practice of engineering.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit on more than one (1) Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or

firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one (1) prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Intermodal Surface Transportation Efficiency Act of 1991 and currently certified by the Department of Transportation shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The Act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they were defined prior to the act, WBEs or combinations thereof).

Proposing DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

The Department requests that each Letter of Interest include the following information and that the information be packaged and presented in the order indicated below to facilitate the Department's review and evaluation.

The firm's ability and willingness to package and present the requested information in the above order to facilitate the Department's review and evaluation will be the first factor considered in the evaluation process.

1. Transmittal Letter (Maximum of two (2) 8 1/2" x 11" typed pages, one side)

2. A fact sheet that includes the project reference number for which the applicant wishes to be considered, the firm's legal name, fictitious name (if applicable), and the firm's federal identification number. If the project advertisement indicated the Department will retain an engineering firm for the project, the applicant should indicate on this fact sheet the names and Professional Engineer License Number of individuals who are directing heads or employees of the firm who have responsible charge of the firm's engineering activities, and whose names and seals shall be stamped on all plans, specifications, plats, and reports issued by the firm. If the project advertisement indicated the Department will retain an Land Surveying firm for the project, the applicant should indicate on this fact sheet the names and Professional Land Surveyor Registration Number of individuals who are directing heads or employees of the firm who have responsible charge of the firm's land surveying activities, and whose names and seals shall be stamped on all plans, plats, and reports issued by the firm.

3. Project Organizational Chart (one page, one side, maximum size 11" x 17")

This Chart should show key staff from the prime and each subconsultant and their area of responsibility.

4. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project" (one Form 255 for the project team)

The Standard Form 255 should be signed, dated, and filled out in its entirety, including Item No. 6 listing the proposed subconsultants and the type of work or service they will perform on the project.

Under Item 4 of this form, Column A must specify only the number of subconsultant personnel and Column B should specify only the number of prime consultant personnel to be assigned to work on this project reference number. Do not include the total personnel for either the subconsultant or prime consultant under Item 4 unless the total personnel are necessary to provide the required work and services.

The prime and each subconsultant should not include more than one page each for Items 10 and 11.

If a Disadvantaged Business Enterprise (DBE) goal is specified for the project, the DBE must be currently certified by the Department of Transportation, and the name of the DBE and the work to be performed must be indicated in Item No. 6. If a Woman Business Enterprise (WBE) firm is substituted for the DBE, the WBE firm must also be presently certified by the Department of Transportation and indicated in Item 6.

5. Standard Form 254, "Architect-Engineer for Related Services Questionnaire"

A Standard Form 254, not more than one (1) year old as of the date of this advertisement, should accompany each Letter of Interest for the firm, each party to a Joint Venture, and for each subconsultant the firm or Joint Venture is proposing to use for the performance of professional services regardless of whether the subconsultant is an individual, a college professor, or a Company, unless an acceptable Standard Form 254 for the prime and each subconsultant/subcontractor is on file in both the Bureau of Design and the Engineering District Office or Central Office Bureau identified in the individual project advertisement.

These Forms should be assembled with the prime's form first, followed by the form for each subconsultant in the same order as the subconsultants appear in Item 6 of Standard Form 255.

6. Authorization Letters (if required)

If the advertisement requires a letter signed by individuals giving their approval to use their name in the Letter of Interest, the letters from proposed prime employees should be first, followed by subconsultant employees, in the same order as shown in Item 6 of Standard Form 255.

7. Registration To Do Business

Firms with out-of-state headquarters or corporations not incorporated in Pennsylvania must include, with each Letter of Interest, a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertisement must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

8. Overhead Rates (one page)

A single page summary should indicate the latest audited overhead rate developed in accordance with Federal Acquisition Regulations (FAR) for the prime consult-

ant and each subconsultant. If a FAR rate is not available, the latest rate available from a Certified Public Accountant must be indicated. New firms should indicate how long the firm has been in existence and when an audited overhead rate would be available.

The single page summary of the latest audited overhead rate for the prime consultant and each subconsultant is optional for construction inspection services.

#### 9. Additional Information

Additional information, not to exceed ten (10) one sided 8 1/2" x 11" pages or five (5) double sided 8 1/2" x 11" pages may be included at the discretion of the submitting firm.

Letters of Interest will be rejected for the following reasons:

1. Received after the cut-off time and date specified above.
2. Failure to identify a Department Certified Disadvantaged Business Enterprise (DBE) if a DBE participation goal is identified in the advertised project.
3. Failure to include a copy of the registration to do business in the Commonwealth, if applicable.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who submitted an acceptable Letter of Interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this Notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 98-2076. Filed for public inspection December 18, 1998, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Allstate Insurance Company; Homeowners Rate Filing

On December 4, 1998, the Insurance Department received from Allstate Insurance Company a filing for a proposed rate level and rule changes for homeowners insurance.

The company requests an overall 3.0% increase amounting to \$3,684,000 annually, to be effective June 14, 1999 for new business and renewal business.

Unless formal administrative action is taken prior to February 2, 1999, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120, (E-mail: xlu@ins.state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-2077. Filed for public inspection December 18, 1998, 9:00 a.m.]

### Application for Voluntary Dissolution by Aetna Health Plans of Central and Eastern Pennsylvania, Inc.

Aetna Health Plans of Central and Eastern Pennsylvania, Inc., a domestic health maintenance organization, has submitted an application for approval of the voluntary dissolution of its charter. The filing was made under requirements set forth under the Business Corporation Law of 1988, 15 Pa.C.S. § 1 et seq. Persons wishing to comment on the grounds of public or private interest concerning the dissolution, are invited to submit a written statement to the Insurance Department within 10 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the writer, identification of the application to which the comment is addressed, and a concise statement with sufficient detail to inform the Insurance Department of the exact basis of the comment and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Company Licensing Division, Room 1311 Strawberry Square, Harrisburg, PA 17120, e-mail rbrackbi@ins.state.pa.us, or by fax to (717) 787-8557.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-2078. Filed for public inspection December 18, 1998, 9:00 a.m.]

### Application for Voluntary Dissolution by Pennsylvania First Option, Inc.

Pennsylvania First Option, Inc., a domestic preferred provider organization, has submitted an application for approval of the voluntary dissolution of its charter. The filing was made under requirements set forth under the Business Corporation Law of 1988 (15 Pa.C.S. § 1 et seq.). Persons wishing to comment on the grounds of public or private interest concerning the dissolution, are invited to submit a written statement to the Insurance Department within 10 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the writer, identification of the application to which the comment is addressed, and a concise statement with sufficient detail to inform the Insurance Department of the exact basis of the comment and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Company Licensing Division,

Room 1311 Strawberry Square, Harrisburg, PA 17120,  
e-mail rbrackbi@ins.state.pa.us, or by fax to (717) 787-  
8557.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-2079. Filed for public inspection December 18, 1998, 9:00 a.m.]

### Campbell's Ultra Service Center; Hearing

*Appeal of Campbell's Ultra Service Center under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; Doc. No. UT98-06-016*

A pre-hearing conference shall be held on January 7, 1999 at 1 p.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. Motions preliminary to those at hearing, protest petitions to intervene, or notices of intervention, if any, must be filed with the Docket Clerk on or before December 31, 1998.

The hearing shall occur on January 21, 1999 at 10 a.m. in Room 200, Administrative Hearing Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-2080. Filed for public inspection December 18, 1998, 9:00 a.m.]

### Health Maintenance Organization Certificate of Authority Application Filed by One Health Plan of Pennsylvania, Inc.

On November 20, 1998, One Health Plan of Pennsylvania, Inc., an affiliate of Great-West Life & Annuity Insurance Company, filed an application with the Departments of Health and Insurance for a certificate of authority to establish, operate and maintain a health maintenance organization (HMO) under the provisions of the HMO Act (40 P. S. §§ 1551—1567), Department of Health HMO Regulations (28 Pa. Code §§ 9.1—9.97) and the Department of Insurance HMO Regulations (31 Pa. Code §§ 301.1—301-204).

The proposed service area of the applicant is Bucks, Chester, Delaware, Montgomery and Philadelphia counties.

A copy of the application is available for public inspection, by appointment only, at the following locations:

Department of Health  
Bureau of Managed Care  
Room 909, Health and Welfare Building  
Harrisburg, PA 17109-0900  
(717) 787-5193

Department of Insurance  
1345 Strawberry Square  
Harrisburg, PA 17120  
(717) 787-2735

Interested parties are invited to submit written comments to Margaret Eakin, Department of Health or Michael Graeff of the Insurance Department at the previously listed addresses. Persons desiring to submit written comments regarding the application may do so within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Persons with disabilities may submit information and comments through alternative formats, such as by audiotape, braille or using the Department of Health TDD: (717) 783-6514. Persons with a disability requesting alternative forms may contact Margaret Eakin so that she may make the necessary arrangements.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-2081. Filed for public inspection December 18, 1998, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing, as authorized by the act of June 17, 1998 (P. L. 464, No. 68) in connection with their company's termination of the insured's automobile policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). All administrative hearings are held in the Insurance Department Offices in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Alexander Bekassy; file no. 98-121-07892; Donegal Mutual Insurance Co.; doc. no. P98-12-001; January 5, 1999, at 11 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Commissioner may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearings, and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-2082. Filed for public inspection December 18, 1998, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insured's policies. All administrative hearings are held in the Insurance Department Offices in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Michael Troyanoski; file no. 98-181-07920; Yorktowne Mutual Insurance Co.; doc. no. P98-12-002; January 6, 1999, at 10 a.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and other necessary evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to partici-

pate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-2083. Filed for public inspection December 18, 1998, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no such documents have been received. For questions concerning or copies of documents filed, but not published, please call (717) 783-1530.

#### Governor's Office

Manual M245.4—Policy for Personal Computers and Networks (PCs/LANs)—Revision No. 1—Dated October 28, 1998.

Management Directive No. 230.10—Travel and Subsistence Allowances—Revision No. 10—Dated November 3, 1998.

GARY R. HOFFMAN,  
*Director,*  
*Pennsylvania Bulletin*

[Pa.B. Doc. No. 98-2084. Filed for public inspection December 18, 1998, 9:00 a.m.]

## PENNSYLVANIA INDUSTRIAL DEVELOPMENT AUTHORITY

### Participation and Interest Rates

The Pennsylvania Industrial Development Authority (PIDA) gives notice of the adoption of PIDA participation and interest rates for loans approved by the PIDA Board of Directors. The rates, which were adopted by the PIDA Board of Directors at its meeting held October 7, 1998, are effective as of that date and will remain in effect until changed by a notice in the *Pennsylvania Bulletin*. The rates follow as Annex A.

The PIDA Board retains the right to waive or modify the rates, to the extent that such are not mandated by law, on a case by case basis for good cause shown.

The PIDA Board has also approved the following changes regarding the PIDA loan ceiling amount and the PIDA cost per job. The loan ceiling amounts have been increased as follows:

- from \$1,000,000 to \$1,250,000
- from \$1,500,000 to \$1,750,000 in targeted areas (enterprise zones, Act 47 communities, brownfield sites and Keystone Opportunity Zones)

• from \$1,000,000 to \$1,750,000 for multi-occupancy projects regardless of location.

The cost per job has been increased from \$15,000/\$20,000 to \$25,000.

Further information can be obtained from the Pennsylvania Industrial Development Authority, Room 481, Forum Building, Harrisburg, PA 17120, (717) 787-6245.

SAMUEL A. MCCULLOUGH,  
*Chairperson*

### Annex A

#### PIDA

#### PARTICIPATION AND INTEREST RATES FOR COUNTIES AND MUNICIPALITIES\* OVER 25,000 POPULATION

Effective October 1998 through June 1999

	Maximum PIDA Participation			Interest Rate**
	(S)	%	(L)	
ADAMS	40 ***		30 ****	6.75
ALLEGHENY	40 ***		30 ****	6.75
McKeesport City	50		30 ****	3.75
Pittsburgh City	40 ***		30 ****	5.25
ARMSTRONG	50		40 ***	3.75
BEAVER	40 ***		40 ***	5.25
BEDFORD	50		40 ***	3.75
BERKS	40 ***		40 ***	6.75
Reading City	50		40 ***	5.25
BLAIR	40 ***		40 ***	5.25
Altoona City	50		40 ***	5.25
BRADFORD	40 ***		40 ***	5.25
BUCKS	40 ***		40 ***	6.75
Bensalem Twp.	40 ***		40 ***	5.25
Bristol Twp.	40 ***		40 ***	5.25
BUTLER	40 ***		40 ***	5.25
CAMBRIA	50		50	3.75
CAMERON	50		40 ***	3.75
CARBON	50		40 ***	3.75
CENTRE	30 ****		30 ****	6.75
CHESTER	30 ****		30 ****	6.75
CLARION	50		40 ***	5.25
CLEARFIELD	50		50	3.75
CLINTON	50		40 ***	3.75
COLUMBIA	50		40 ***	3.75
CRAWFORD	40 ***		40 ***	5.25
CUMBERLAND	30 ****		30 ****	6.75
DAUPHIN	30 ****		30 ****	6.75
Harrisburg	40 ***		30 ****	5.25
DELAWARE	40 ***		30 ****	6.75
Chester City	50		50	3.75
ELK	50		40 ***	5.25
ERIE	40 ***		40 ***	5.25
Erie City	50		40 ***	3.75
FAYETTE	50		50	3.75
FOREST	50		50	3.75
FRANKLIN	40 ***		30 ****	5.25
FULTON	50		40 ***	3.75
GREENE	50		50	3.75
HUNTINGDON	50		50	3.75
INDIANA	50		50	3.75
JEFFERSON	50		40 ***	3.75
JUNIATA	50		50	3.75
LACKAWANNA	50		40 ***	3.75
LANCASTER	30 ****		30 ****	6.75
Lancaster City	40 ***		30 ****	5.25
LAWRENCE	50		40 ***	5.25
New Castle City	50		40 ***	3.75
LEBANON	30 ****		30 ****	6.75
Lebanon City	40 ***		30 ****	6.75
LEHIGH	40 ***		40 ***	6.75
Allentown City	50		40 ***	5.25
Bethlehem City	40 ***		40 ***	5.25
LUZERNE	50		40 ***	3.75
Wilkes-Barre City	50		50	3.75
LYCOMING	50		40 ***	5.25
Williamsport City	50		40 ***	3.75
McKEAN	50		40 ***	5.25
MERCER	40 ***		40 ***	5.25
MIFFLIN	50		40 ***	3.75
MONROE	50		40 ***	3.75
MONTGOMERY	30 ****		30 ****	6.75
Norristown Boro	40 ***		30 ****	5.25
Upper Dublin Twp.	40 ***		30 ****	6.75
MONTOUR	40 ***		30 ****	6.75
NORTHAMPTON	40 ***		40 ***	5.25
NORTHUMBERLAND	50		40 ***	3.75
PERRY	30 ****		30 ****	6.75
PHILADELPHIA	50		40 ***	3.75
PIKE	40 ***		40 ***	5.25
POTTER	50		40 ***	3.75
SCHUYLKILL	50		40 ***	3.75
SNYDER	40 ***		40 ***	5.25
SOMERSET	50		40 ***	3.75
SULLIVAN	50		40 ***	3.75

	<i>Maximum PIDA Participation</i>		<i>Interest Rate**</i>
	(S)	(L)	%
SUSQUEHANNA	50	40 ***	3.75
TIOGA	50	40 ***	3.75
UNION	40 ***	40 ***	6.75
VENANGO	50	40 ***	3.75
WARREN	40 ***	40 ***	5.25
WASHINGTON	40 ***	40 ***	5.25
WAYNE	50	50	3.75
WESTMORELAND	40 ***	40 ***	5.25
WYOMING	50	50	3.75
YORK	40 ***	30 ****	6.75
York City	50	30 ****	3.75

\* Municipalities are listed only if PIDA rate differs from County rate.

\*\* Based on calendar year 1997 unemployment rate. Subject to change at discretion of PIDA Board.

(S) Small Business (Less than 50 existing employees, including parent, subsidiaries and affiliates.)

(L) Large Business.

*Special Note:* Projects located in designated enterprise zones, planning stage enterprise zones, financially distressed municipalities under Act 47, Federal empowerment zones, Federal enterprise communities, Keystone Opportunity Zones, and brownfield sites will receive loans at 3.75%. Companies designated as advanced tech firms will receive an interest rate of 4.25% or 3.75% depending on the location of the project (for example, if area rate is 5.25% or 6.75%, the interest rate will be 4.25%).

\*\*\* 10% Equity required

\*\*\*\* 20% Equity required

*Financially Distressed Municipalities Under Act 47\**

Aliquippa City	Franklin Borough
Beaver County	Cambria County
Braddock Borough	Homestead Borough
Allegheny County	Allegheny County
Chester City	Johnstown City
Delaware County	Cambria County
Clairton City	Millbourne Borough
Allegheny County	Delaware County
Duquesne City	North Braddock Borough
Allegheny County	Allegheny County
East Pittsburgh Borough	Rankin Borough
Allegheny County	Allegheny County
Farrell City	Scranton City
Mercer County	Lackawanna County
	Wilkesburg Borough
	Allegheny County

*Federal Empowerment Zones\**

Portions of Pittsburgh and Philadelphia

*Federal Enterprise Communities\**

Portions of Harrisburg, Dauphin County

Portions of Lock Haven, Clinton County

\*Eligible for 3.75% Interest Rate

[Pa.B. Doc. No. 98-2085. Filed for public inspection December 18, 1998, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Gas Service Without Hearing

**A-123100F0025. UGI Utilities, Inc.** Application of UGI Utilities, Inc. for approval to begin to offer, render, furnish or supply gas utility service to the public in additional territory of Weisenberg Township, Lehigh County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before January 4, 1999, under 52 Pa. Code (relating to public utilities).

*Applicant:* UGI Utilities, Inc.

*Through and By Counsel:* Thomas M. Jackal, Esquire, UGI Corporation, P. O. Box 858, Valley Forge, PA 19482.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-2086. Filed for public inspection December 18, 1998, 9:00 a.m.]

### Railroad With Hearing

**A-00115313. City of Philadelphia.** Application of the City of Philadelphia for the approval of (1) the construction of a new at grade crossing to on line with Locust Street over the right of way of CSX Railroad (formally known as the Schuylkill Eastside Navigation Company) between 25th St. and the Schuylkill River in the City of Philadelphia, and (2) the allocation of costs incident thereto.

An initial hearing on this matter will be held Tuesday, January 26, 1999 at 10 a.m., in an available hearing room, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, PA when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-2087. Filed for public inspection December 18, 1998, 9:00 a.m.]

### Railroad With Hearing

**A-00115314. City of Philadelphia.** Application of the City of Philadelphia for the approval of (1) the construc-



tion of a new at grade crossing to on line with Cherry Street over the right of way of CSX Railroad (formally known as the Schuylkill Eastside Navigation Company) between 23rd St. and the Schuylkill River in the City of Philadelphia, and (2) the allocation of costs incident thereto.

An initial hearing on this matter will be held Tuesday, January 26, 1999 at 10 a.m., in an available hearing room, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, PA when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-2088. Filed for public inspection December 18, 1998, 9:00 a.m.]

### Railroad With Hearing

**A-00114003. CSX Transportation, Inc.** Application of CSX Transportation, Inc. for the approval of the removal of the overhead railroad bridge over CSX Transportation, Inc.'s Rail Line at Milepost PLE-37.1 in the Borough of Big Beaver, Beaver County.

An initial hearing on this matter will be held Tuesday, February 9, 1999 at 10 a.m., 11th floor hearing room, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-2089. Filed for public inspection December 18, 1998, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before January 11, 1999, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

**Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of household goods in use as described under each application.**

**A-00114423, Folder 2. Ampack, Inc.** (1957 E-3 Pioneer Road, Huntingdon Valley, Montgomery County, PA 19006), a corporation of the state of New Jersey—additional right—household goods in use, between points in the city and county of Philadelphia, and within an airline distance of 50 statute miles of the limits thereof.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.**

**A-00115480. Frederick L. Corey, t/d/b/a Corey Limo Service** (10885 Homewood Road, Meadville, Crawford County, PA 16335)—persons in limousine service, between points in the counties of Crawford and Venango, and from points in said counties, to points in Pennsylvania, and return; which is to be a transfer of all of the rights authorized under the certificate issued at A-00106558, Folder 1, Am-A to Roland Curtis Lawrence, t/d/b/a Lawrence's Limousine Service, deceased, by Rolland D. Lawrence, executor of the estate; subject to the same limitations and conditions.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.**

**A-00115479. Janet Ricks, t/d/b/a A Philadelphia Airport Connection** (5 Carre Avenue, Essington, Delaware County, PA 19029)—persons, in limousine service, between points in the counties of Delaware, Bucks, Chester, Montgomery and Philadelphia, and from points in said counties, to points in Pennsylvania, and return.

**Application of the following for the certificate of public convenience approving the operation of motor vehicles as common carriers for the transportation of household goods by transfer of rights as described under each application.**

**A-00115472. Calfo Red Line Transfer, Inc.** (423 Plum Street, Oakmont, Allegheny County, PA 15139), a corporation of the Commonwealth of Pennsylvania—(1) as a Class D carrier, household goods in use, between points in the borough of Wilkinsburg, Allegheny County, and within 12 miles by the usually traveled highways of the limits of said borough; right (1) subject to the following condition: that no right, power or privilege is granted to furnish any transportation which begins or ends east of the borough of Wilkinsburg, Allegheny County; (2) as a Class B carrier, household goods in use between points in the city of Pittsburgh; (3) as a Class D carrier, household goods in use from points in the city of Pittsburgh, to points in the county of Allegheny, and vice versa; and (4) property, excluding household goods in use, between points in Pennsylvania; which is to be a transfer of all of the rights issued to Ronald A. Calfo Red Line Moving & Storage Co., Inc., under the certificate issued at A-00107891, subject to the same limitations and conditions. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Kenneth B. Stile, Jr.; Doc. No. A-00110682C98*

### Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section

701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Kenneth B. Stile, Jr., respondent, maintains his principal place of business at P. O. Box 1053, Indiana, Indiana County, PA 15701.

2. That respondent was issued a certificate of public convenience by this Commission on August 26, 1993, at Docket No. A-00110682.

3. That respondent was sent, by certified mail, a 1996-97 Assessment in the amount of \$1,979.

4. That respondent was sent, by certified mail, a 1997-98 Assessment in the amount of \$1,739.

5. That, on or about December 19, 1997, a reminder notice was sent to respondent by first class mail notifying it of past due assessments.

6. That respondent has an outstanding assessment of \$3,718.

7. That respondent failed to file objections to the assessments, pursuant to 66 Pa.C.S.A. § 510(c).

8. That respondent, by failing to pay the assessments, is in violation of the Public Utility Code at 66 Pa.C.S.A. § 510(c).

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Secretary of the Commission cancel the certificate of public convenience issued to respondent, direct the Pennsylvania Department of Transportation to revoke the motor vehicle registration(s) issued to respondent, notify the Pennsylvania Department of Revenue that respondent's certificate of public convenience has been revoked and notify respondent's insurance carrier that respondent's certificate of public convenience has been revoked.

Respectfully submitted,

George T. Mahan  
Director, Bureau of Transportation  
and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

*Verification*

I, Joseph W. Farrell, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

George T. Mahan, Director

*Notice*

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility  
Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Secretary of the Commission issue a Secretarial Letter imposing the penalty set forth in the complaint.

C. You may elect not to contest this complaint by paying your outstanding assessment within twenty (20) days. Your certified check or money order, payable to the Commonwealth of Pennsylvania, should be forwarded to Pennsylvania Public Utility Commission, P. O. Box 400006-W, Pittsburgh, PA 15268-0006.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request the Secretary of the Commission to issue a Secretarial Letter imposing the penalty set forth in the complaint.

E. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Assessment Section at (717) 787-5620.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-2090. Filed for public inspection December 18, 1998, 9:00 a.m.]

### Transfer by Sale Without Hearing

**A-213550F0015. The York Water Company.** Application of The York Water Company, under section 1102 of the Public Utility Code, for approval of the transfer by sale of all waterworks property and rights of Railroad Borough to The York Water Company.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before January 4, 1999, under 52 Pa. Code (relating to public utilities).

*Applicant:* The York Water Company

*Through and By Counsel:* Michael W. Gang, Esquire, Michael W. Hassell, Esquire, Morgan, Lewis & Bockius, One Commerce Square, 417 Walnut Street, Harrisburg, PA 17101-1904

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-2091. Filed for public inspection December 18, 1998, 9:00 a.m.]

### Water Service Without Hearing

**A-212370F0050. Philadelphia Suburban Water Company.** Application of Philadelphia Suburban Water Company for approval to begin to offer, render, furnish and supply water service to the public in a portion of Robeson Township, Berks County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before January 4, 1999, under 52 Pa. Code (relating to public utilities).

*Applicant:* Philadelphia Suburban Water Company

*Through and By Counsel:* Mark J. Kropilak, Esquire, Vice President and General Counsel, Philadelphia Suburban Water Company, 762 Lancaster Avenue, Bryn Mawr, PA 19010.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-2092. Filed for public inspection December 18, 1998, 9:00 a.m.]

## STATE BOARD FOR CERTIFICATION OF SEWAGE TREATMENT PLANT AND WATERWORKS OPERATORS

### Meetings Concerning Update of Act 322

The State Board for Certification of Sewage Treatment Plant and Waterworks Operators (Board) would like to again ask for comments on a proposal the Board is developing to update Act 322, the law which created the operator certification program. The Board completed a round of public meetings and a written comment period last December. As a result of the comments received, the Board has completed its second draft of a proposal, which contains substantial changes from the original draft.

The act needs to be revised for the following reasons. (1) Provisions in the existing law restrict the board's capability to implement a program which addresses the needs of the water and wastewater system operators and the public. (2) Federal Safe Drinking Water Act Amendments of 1996 require that states must meet minimum standards for certification and recertification of operators of community and nontransient-noncommunity public water systems or the states may lose up to 20% of Federal funds used to construct facilities. The second draft of the Board's proposed amendments includes the requirements of the Federal law.

The Board is beginning a second round of public review and comment. The following schedule of public meetings is provided to offer the opportunity for all interested parties to meet with the Board and receive information on the second draft.

Monday, December 21, 1998, 7—9:30 p.m. at DEP Southcentral Regional Office, 900 Elmerton Ave., Harris-

burg, PA. Regional office is located off Cameron St. Exit of I-81 to first light. Make a left on Elmerton Ave., office is on right.

Tuesday, January 5, 1999, 7—9:30 p.m. at Sheraton Inn Pittsburgh North, 9100 Sheraton Dr., Mars, PA. Sheraton is located off Exit 3, PA Turnpike, South on Rte 19, at first light make left on Freeport Rd, make first right to Sheraton Dr.

Wednesday, January 6, 1999, 7—9:30 p.m. at Days Inn, 18360 Conneaut Lake Rd., Meadville, PA. Days Inn is located off I-79 in downtown Meadville.

Thursday, January 21, 1999, 7—9:30 p.m. at Best Western Hotel and Conference Center, 815 N. Pottstown Pk., Exton, PA. Best Western is located 1/2 mile from PA Turnpike, Exit 23, take Rte. 100 South.

Tuesday, January 26, 1999, 7—9:30 p.m. at Genetti Hotel & Convention Center, 200 West 4th St., Williamsport, PA. Genetti Hotel is located off Rte 15 North, take Williamsport Business District, go two lights, make left on Fourth St., go two lights, make right on William St.

Wednesday, January 27, 1999, 7—9:30 p.m. at Ramada Plaza Hotel, 20 Public Sq., Wilkes-Barre, PA. Ramada is located off Exit 47B of I-81 to Rte. 309, at red light make a left, go through five lights to Market St., make a right and hotel is on right.

For additional information about the public meetings, please call DEP at (717) 783-8059. The Board will accept comments on the second draft until February 10, 1999. Submit written comments to the above address.

To obtain a copy of the draft legislation and the comment response document which compiles all comments received on the board's first draft, call 1-877-PAGREEN (1-877-724-7336), or visit the Internet at <http://www.dep.state.pa.us/dep/deputate/waterops/proposed322.htm>. People who commented on the first draft will automatically receive a response document and copy of the second draft.

Persons who require accommodation to attend the public meetings, should contact Lynn Rice at (717) 787-5236 or through PA AT&T Relay Services at (800) 654-5984 (TDD).

ROBERT J. SLATICK,  
*Secretary*

[Pa.B. Doc. No. 98-2093. Filed for public inspection December 18, 1998, 9:00 a.m.]

## TURNPIKE COMMISSION

### Request for Proposals

Sealed proposals will be received by Jeffrey L. Hess, Purchasing Manager, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated for the following contract:

**Contract No. 94-002-FT30-C**—Mon/Fayette Expressway, S.R. 0043, Section 52K, Roadway Construction in Allegheny Co., PA.

*Bid Opening Date*—January 21, 1999, 11 a.m.

*Bid Surety*—5%

Plans, cross-sections, specifications and contract documents will be available and open for public inspection at the Administration Building. Copies may be purchased upon payment by check or P. O. Money Order (No Cash) payable to the Pennsylvania Turnpike Commission, Attention: Secretary-Treasurer's Office, P. O. Box 67676, Harrisburg, PA 17106-7676. No refund for any reason will be made for plans, specifications and contract documents. Selection of the desired materials should be by the following designations with proper respective remittance. (Do not add State tax). Construction plans including roadway, structures and subsurface profiles: \$75; Cross-sections: \$85; Specifications and Contract Bid Documents: \$25; Total package: \$185.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Pennsylvania Department of Transportation is a necessary prerequisite for bidding on this project.

A prebid meeting for the project will be held on December 29, 1998, beginning at 10 a.m. at the field office of the project's Construction Manager, Trumbull Corporation, 600 Park Avenue, Monongahela, PA 15063, (724) 258-9234.

Direct any questions for this project to Mike Houser at (724) 755-5176.

Contact the Purchasing Manager for a listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 98-2094. Filed for public inspection December 18, 1998, 9:00 a.m.]

## Retention of an Engineering Firm

### Reference No. 3-108

The Turnpike Commission (Commission) will retain three engineering firms for open-end contracts for engineering services on various projects located on the entire length of the Pennsylvania Turnpike System.

The services will encompass a wide range of design efforts with the possibility of several different types of projects being designed under short completion schedules. The anticipated types of projects include bridge replacements or bridge rehabilitation with minor approach work; roadway rehabilitation or resurfacing projects; capital improvement projects (bridges or roadway); minor location studies, traffic studies or any other engineering-related activity as determined by the Engineering Department to expedite a project. Each contract will be for a maximum cost of \$750,000, or for a period of 2 years, whichever occurs first.

Each firm may be required to: perform field surveys; plot topography and cross sections; prepare submissions for utility verification and relocation engineering; prepare submissions for field view meetings; prepare all pertinent submissions and material necessary for the Commission to prepare the application to the Pennsylvania Public Utility Commission (PUC) and for a PUC field conference; attend and supply any required information for all PUC meetings during the design of a project; develop erosion control details and narrative; develop right-of-way plans; prepare hydraulic report for waterway approvals; prepare type, size and location report; prepare structure drawings, including culverts, bridges and sign supports, for repair,

rehabilitation or replacement; prepare traffic control plans with narrative; procure core borings; provide soil and foundation engineering reports; investigate utility and property involvement; perform traffic counts and speed and delay studies; and prepare construction plans, specifications and estimates.

Questions and inquiries concerning this project should be directed to Jeffrey C. Davis, P.E., at (717) 939-9551, Ext. 5160, or by e-mail at [jdavis@paturndpike.com](mailto:jdavis@paturndpike.com).

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 98-2095. Filed for public inspection December 18, 1998, 9:00 a.m.]

## Retention of an Engineering Firm

### Reference No. 3-109

The Turnpike Commission (Commission) will retain two Engineering firms to perform environmental services on an open-end basis for a variety of environmental services to be provided on various projects being performed by the Pennsylvania Turnpike.

The type of tasks to be addressed may include, but are not limited to, the following: Project need documentation; alternatives analysis evaluation; farmlands evaluations and ALCAB presentations; historical structures inventories; Phase I, II and III archeological investigations; wetlands identification and delineation, value and function analysis, and mitigation design; surface water quality and aquatic biota investigations; hazardous waste investigations; noise monitoring, modeling and abatement evaluations; and air quality investigations. The contract will be for a not-to-exceed amount of \$750,000, or a 2 year period, whichever occurs first.

Questions and inquiries concerning this Project should be directed to David Willis at (717) 939-9551, Ext. 3570 or by e-mail at [dwillis@paturndpike.com](mailto:dwillis@paturndpike.com).

### General Requirements and Information

Firms interested in performing the above services are invited to submit Expanded Letters of Interest to Barry L. Troup, P.E., Assistant Chief Engineer for Design, at the PA Turnpike Commission Administration Building located on Eisenhower Boulevard at the Harrisburg-East Interchange (No. 19). (FedEx address: Route 283 and Eisenhower Boulevard, Highspire, PA 17034) (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676).

The expanded letters of interest must include in the heading the project reference number indicated in the advertisement. A Standard Form 254, "Architect-Engineer and Related Services Questionnaire," not more than 1 year old as of the date of this advertisement, and Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project," must accompany each expanded letter of interest. Explanation that the firm has successfully completed similar type projects, of the same magnitude, is required. If the firm has multiple offices, the location of the office performing the work must be identified.

Firms with out-of-State headquarters or corporations not incorporated in Pennsylvania must include with each expanded letter of interest a copy of their registration to do business in this Commonwealth as provided by the Department of State.

The Commission currently limits its participation in the remuneration of principals or consultant employees performing work on projects to \$72,800 per annum or \$35 per hour or their actual audited remuneration, whichever is less. The Commission currently limits its participation in the consultant's indirect payroll costs (overhead) on design projects to 130% or the consultant's actual audited overhead rate, whichever is less.

The consultant in their submission should identify the following factors:

(A) Specialized experience and technical competence of firm. The firm must clearly demonstrate their capabilities of completing this project by identifying similar projects that have been completed, the magnitude of the project and the client.

(B) Past record of performance with respect to cost control, work quality and ability to meet schedules. The specific experience of individuals who constitute the firms shall be considered.

(C) Expanded letters of interest must include an indication of the prime consultant's and subconsultant's current workload for all Pennsylvania Department of Transportation and Pennsylvania Turnpike Commission projects.

(D) Location of consultant's office where the work will be performed.

(E) Listing of subconsultants intended. Any deviation from the subconsultants listed in the expanded letter of interest will require written approval from the Commission.

(F) An organization chart for the Project, identifying

key personnel. Only resumes of key personnel should be included.

(G) Other factors, if any, specific to the project.

There is not a minimum participation level for DBE/MBE/WBEs in this Project.

Each firm should demonstrate in their expanded letter of interest their ability to perform the specific requirements indicated for this project by including a maximum three page report on this project.

The expanded letter of interest and required forms must be received by 12 p.m. (noon), Friday, January 8, 1999. Any letters of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable expanded letters of interest received in response to this solicitation, one firm will be selected for this project. The order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the Technical Review Committee and approved by the Selection Committee. Technical Proposals or Requests for Proposals will not be requested prior to selection.

The Commission reserves the right to reject all expanded letters of interest, to cancel solicitation requested under this notice, and/or to re-advertise solicitation for these services.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 98-2096. Filed for public inspection December 18, 1998, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employees and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

### Reader's Guide

#### Legal Services & Consultation—26

① Service Code  
Identification Number

② Commodity/Supply or  
Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
Location: Harrisburg, Pa.  
Duration: 12/1/93-12/30/93  
Contact: Procurement Division  
787-0000

③ Contract  
Information

④ Department

⑦

⑤ Location

(For Commodities: Contact:)  
Vendor Services Section  
717-787-2199 or 717-787-4705

⑥ Duration

#### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, *"Frequently Asked Questions About State Contracts,"* explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**

Pennsylvania State Treasury  
Room G13 Finance Building  
Harrisburg, PA 17120  
717-787-2990  
1-800-252-4700

BARBARA HAFER,  
*State Treasurer*

**Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340**

### Commodities

**0071-12** Annual Bond—Keystone Wild Notes.

**Department:** Various  
**Location:** Various  
**Duration:** 05/01—04/30  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**3610-04** Annual Bond—Offset printing equipment.

**Department:** Various  
**Location:** Various  
**Duration:** 04/01—03/31  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**3610-07** Annual Bond—Multi-function office equipment lease with purchase option/outright purchase.

**Department:** Various  
**Location:** Various  
**Duration:** 04/01—03/31  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**4930-01** Annual Bond—Automated fuel control system replacement part (DOT).

**Department:** Transportation  
**Location:** Various  
**Duration:** 04/01—03/31  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**5805-03** Annual Bond—Miscellaneous telephone equipment.

**Department:** Various  
**Location:** Various  
**Duration:** 07/01—06/30  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**5850-03** Annual Bond—Customer Service system and supplies.

**Department:** Various  
**Location:** Various  
**Duration:** 04/01—03/31  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**6505-00** Annual Bond—Pharmaceutical.

**Department:** Various  
**Location:** Various  
**Duration:** 03/11—06/30  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**6505-11** Annual Bond—Pharmaceuticals, multiple source.

**Department:** Various  
**Location:** Various  
**Duration:** 01/13—06/30  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**6505-12** Annual Bond—Pharmaceuticals, multiple source.

**Department:** Various  
**Location:** Various  
**Duration:** 01/13—06/30  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**6530-07** Annual Bond—Hospital equipment and supplies.

**Department:** Various  
**Location:** Various  
**Duration:** 04/01—03/31  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**6760-02** Annual Bond—Microfilm equipment and supplies.

**Department:** Various  
**Location:** Various  
**Duration:** 04/01—03/31  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**7485-01** Annual Bond—Ribbons: printer/typewriter.

**Department:** Various  
**Location:** Various  
**Duration:** 04/01—03/31  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**8520-01** Annual Bond—Toiletries: beauty supplies, skin care, dentifrice.

**Department:** Various  
**Location:** Various  
**Duration:** 06/01—05/30  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**9150-01** Annual Bond—Motor oils and lubricants.

**Department:** Various  
**Location:** Various  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**9330-01** Annual Bond—Sheets, polycarbonate and acrylic.

**Department:** Various  
**Location:** Various  
**Duration:** 04/01—03/31  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**9905-04** Annual Bond—Pavement marking legends (DOT).

**Department:** Transportation  
**Location:** Various  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**8084950** Clothing and individual equipment—5,000 dozen gloves, children size jersey knit with knit wrist cuff minimum 5.5 ounce per square yard. Design shall be reversible for wear on either hand.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**1349118** Communication equipment—1 each card access and touchscreen control system Year 2000 upgrade.

**Department:** Corrections  
**Location:** Houtzdale, Clearfield County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**8198010** Engines, turbines and components—400 each roller bearing P/N S1032; 100 each roller bearing P/N X1032; 100 each thrust bearing P/N X162B-1; 200 each bearing thrust race P/N X162A-1; 100 each bushing shaft P/N AH2010; 100 each housing gear P/N MA1688-22-8; 150 each O-ring P/N L3006-109; 200 each plate thrust P/N Y1058; 100 each seal double lip P/N X73-37-15; 200 each seal gasket P/N UB3006-244; 100 each seal pocket P/N K3026-22; 100 each set matched gear P/N KA1007M-22; 100 each sleeve bearing P/N GA1072; 100 each shaft 225X99-Type 2-1" D P/N 303-1135-072; 100 each spring P/N A1327-182; 50 each washer thrust P/N EB1669; 600 each bearing (207-SFF) P/N 6207; 300 each bearing intermediate gear P/N A1061; 300 each fork shifter P/N C1104-2; 500 each gasket bearing cap P/N B1052-1; 300 each gasket cover plater P/N C1188; 300 each gear drive P/N C1184-1; 300 each gear inter (11800-68) P/N D1184-1; 300 each housing P/N C1183; 600 each packing P/N B1377; 300 each rod shifter P/N B1772; 300 each shaft P/N E1071; 300 each shaft inter gear P/N H1009; 300 each shat pin inter gear P/N X115-25; 100 each sleeve shifter rod P/N D1062-1; 50 each spacer inter gear bearing P/N C1003-2; 600 each ball bearing P/N 62060; 300 each gear adaptor PTO P/N 1184-68; 300 each seal double lip P/N X73-37-1; 300 each shaft adaptor PTO P/N H1071; 300 each shaft-key No. 130 P/N X10-21; 300 each shaft key No. 150 P/N X10-14; 300 each Stat-O-Seal P/N 191-12; 300 each gasket thin P/N A1053-2; 300 each gasket thick P/N 053A1053; 50 each bearing spacer P/N F1003; 2,400 each Stat-O-Seal P/N X191-7.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**1381128** Furniture—1 lot new abilities enhanced bed-living package; BP-1031 for the Invacare Mobilite 5410 bed.

**Department:** Public Welfare  
**Location:** Hiram G. Andrews Center, Johnstown, Cambria County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**1214158** Photographic equipment—1 each furnish and install a closed circuit camera system.

**Department:** Veterans and Military Affairs  
**Location:** Southwestern Veterans Center, Pittsburgh, Allegheny County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**1368218** Toiletries—600 cases skin care cream, to be effective on skin conditions, Ref. Sween Cream No. 0202 Mfr. Coloplast/Sween Corp. Marietta GA; 69 cases lotion soap containing a minimum of 7.0% potassium coconut soap, Ref. Epicare No. 61401121; 30 cases shave cream, aerosol w/aloe to make foamy lather, Ref. Colgate Palmolive No. 84900; 110 cases skin lotion, all purpose to contain aloe vera gel, non-toxic, Ref. Just Lotion No. C-215-4Z; 36 cases body powder, product to be gentle even on sensitive skin Ref. Fordustin No. 0505 Powder; 170 cases body lotion, moisturizing w/natural vitamin E Ref. X-RA Care No. 0402; 144 cases shampoo, nonalkaline formulation low PH Ref. Gentle Rain No. 1710; 85 cases incontinent cleanser-deodorizer, no rinse to be medicated to soothe red and irritated skin Ref. Periwash II No. 1453; 90 cases mouthwash, gargle fluoride, liquid, minty flavor and odor, alcohol free Ref. No. 0430 Lander Co.; 35 cases towelette, individually packed, no rinse hand cleansing wipe with instant sanitizing action Ref. Isagel Towelette No. 1673.

**Department:** Public Welfare  
**Location:** South Mountain Restoration Center, South Mountain, Franklin County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**4226** Materials handling equipment—1 each fork lift, Clark electric counter balanced walker stacker Model CST 15 or equivalent, Must have 3,000 lb. capacity, 24 colt, 118" lifting height, 78" lowered, 8" free lift, with 510 AH battery and single phase charger.

**Department:** Public Welfare  
**Location:** Mayview State Hospital, Bridgeville, Allegheny, PA  
**Duration:** FY 98—99  
**Contact:** F. Molisee, Mayview State Hospital, at (412) 257-6215

**98-CI1002** Textiles—Fabric twill 3/1 100% cotton, width 60" weight 7 1/2 to 8 oz. color Alpine Green Pantone Color 18-5322TP.

**Department:** Correctional Industries  
**Location:** Huntingdon, Huntingdon County, PA  
**Duration:** FY 98—99  
**Contact:** MaryAnn Ulrich, at (717) 731-7134

**98-CI1001** Textiles—Fabric—fiber content 65% polyester, 35% cotton, color white Pantone 11-4202 TP Bandmaster or approved equal fabric to be used in manufacturing of officer uniforms.

**Department:** Correctional Industries  
**Location:** Waymart, Wayne County, PA  
**Duration:** FY 98—99  
**Contact:** MaryAnn Ulrich, at (717) 731-7134

**67062** Plumbing, heating and sanitation equipment—SHC-2 supply 6 one-piece replacement stainless steel shower cabinets 30" x 30" x 82" high (Metcraft or equal). The shower cabinets will be installed by the institution.

**Department:** Corrections  
**Location:** Greensburg, Westmoreland County, PA  
**Duration:** FY 98—99  
**Contact:** Jack Loughry, State Correctional Institution Greensburg, at (724) 853-3502

## SERVICES

### Advertising—01

**RFP 99-19** Kutztown University is seeking proposals from qualified advertising agencies to provide advertising services to the university. The ideal agency will be responsible for but not limited to: placing advertising created by the university in selected media, performing primary/secondary research, serving as creative consultants in advertisement development, and the like. All requests for RFP packages need to be made in writing and directed to: Barbara Reitz, Director of Purchasing, Kutztown University, Administration Building, Room 224, Kutztown, PA 19530, (601) 683-4132, fax (610) 683-4674 or e-mail: reitz@kutztown.edu. The reference RFP number is RFP 99-19. Packages will be available December 21, 1998, through January 6, 1999. Questions requiring clarification need to be submitted by noon on January 7, 1999. There will not be a preproposal meeting for this project. The proposals are due on January 15, 1999 by 12 noon.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA 19530  
**Duration:** 1 year  
**Contact:** Barbara Reitz, (610) 683-4132

### Agricultural Services—02

**X4014** Perform aerial application of Bti to designated black fly larvae production areas in the rivers and creeks in Pennsylvania.

**Department:** Environmental Protection  
**Location:** Throughout this Commonwealth  
**Duration:** April 1, 1999—March 31, 2001  
**Contact:** Ally Hubler, (717) 787-2471



**Audio/Video—04**

**182955** TV, VCR, Electronic equipment repair service for Warren State Hospital. Contract to provide repair service for TV, VCR and other electronic equipment. Contractor's repair location to be within a 50 mile radius of Warren, PA unless vendor is willing to pick-up and return repair items at no additional cost to the Commonwealth. Complete terms and conditions may be obtained by contacting the hospital. Award to be made on a 3-year aggregate basis.

**Department:** Public Welfare  
**Location:** Warren State Hospital, 33 Main Drive, North Warren, Warren County, PA 16365-5099  
**Duration:** January 01, 1999—December 31, 2001  
**Contact:** JD Sample, (814) 726-4448

**Construction—09**

**DGS 948-53 Phase I, Part A** Project title: Domestic Plumbing. Brief description: Replace and restore plumbing piping and fixtures in the 5th floor North Hyphen. Demolish and remove old items and furnish new plumbing and piping elements including cutting and rough-in patching. Estimated range \$100,000 to \$500,000. Plumbing construction. Plans deposit: \$100 per set. Payable to: H. F. Lenz Company. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents., H. F. Lenz Company, 1407 Scalp Avenue, Johnstown, PA 15904, (814) 269-9300. Bid date: Wednesday, January 6, 1999 at 2 p.m. A prebid conference has been scheduled for the subject project on Tuesday, December 22, 1998 at 10 a.m. in the Arsenal Building, Corporate Board Room, 18th and Herr Streets, Harrisburg, PA 17125. Contact: Dean Arensdorf, (717) 782-8842. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

**Department:** General Services  
**Location:** Capitol Building, Harrisburg, Dauphin County, PA  
**Duration:** 150 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**Engineering Services—14**

**08430AG2272** Three open-end contracts for engineering and/or environmental services on various projects in the six county area of Engineering District 9-0.

**Department:** Transportation  
**Location:** Engineering District 9-0  
**Duration:** Sixty (60) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2273** Open-end contract for environmental and/or engineering services on various projects in the six county area of Engineering District 9-0.

**Department:** Transportation  
**Location:** Engineering District 9-0  
**Duration:** Sixty (60) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2274** Open-end contract to provide waste management/pollution prevention/environmental health and safety services on various projects throughout the Commonwealth of Pennsylvania.

**Department:** Transportation  
**Location:** Central Office  
**Duration:** Sixty (60) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2275** An open-end contract to provide supplementary construction inspection staff to perform construction inspection and documentation services on various projects in Bucks County.

**Department:** Transportation  
**Location:** Engineering District 6-0  
**Duration:** Sixty (60) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**Environmental Maintenance Service—15**

**BF 382-101.1** Abandoned Mine Land Reclamation, Darmac Coal, Inc., involves an estimated 3,300 c. y. of grading, 550 s. y. of rock lining w/filter material and 3.6 acres of seeding.

**Department:** Environmental Protection  
**Location:** Summit and Oakland Townships, Butler County, PA  
**Duration:** 180 days after Notice to Proceed  
**Contact:** Construction Contracts Section, (717) 783-7994

**BF 402-101.1** Abandoned Mine Land Reclamation, Genovese Coal Co., involves an estimated 879,000 c. y. of grading, 1,880 s. y. of rock lining w/filter material and 104 acres of seeding. Eighty eight (88%) of this project is financed by the Federal Government. Federal funds available for this program total \$27.5 million for Pennsylvania's 1998 AML Grant.

**Department:** Environmental Protection  
**Location:** Nicholson Township, Fayette County, PA  
**Duration:** 390 days after Notice to Proceed  
**Contact:** Construction Contracts Section, (717) 783-7994

**BF 421-101.1** Abandoned Mine Land Reclamation, Frank Kowalski, involves an estimated 46,100 c. y. of grading, backfilling of 12 ponds and 22 acres of seeding.

**Department:** Environmental Protection  
**Location:** Murrysville Borough and Washington Township, Westmoreland County, PA  
**Duration:** 360 days after Notice to Proceed  
**Contact:** Construction Contracts Section, (717) 783-7994

**AMD 57(0727)101.1** Acid Mine Drainage Abatement, White Ash No. 3 (Loyalsock Creek) involves approximately 23,600 c. y. excavation and embankment, 2,100 c. y. spent mushroom compost, 12,450 tons AASHATO No. 3 limestone aggregate and 4.5 acres of seeding.

**Department:** Environmental Protection  
**Location:** Cherry and Colley Townships, Sullivan County, PA  
**Duration:** 490 days after Notice to Proceed  
**Contact:** Construction Contracts Section, (717) 783-7994

**OSM 02(1659)101.1** Abandoned Mine Land Reclamation, North Braddock, involves installation of approximately 555 l. f. of 10" corrugated polyethylene tubing, connection to storm sewer and removal/replacement of sidewalk, curb and inlet. One hundred percent (100%) of this project is financed by the Federal Government; Federal funds available for this program total \$20.4 million for Pennsylvania 1997 AML Grant.

**Department:** Environmental Protection  
**Location:** North Braddock Borough, Allegheny County, PA  
**Duration:** 90 days after Notice to Proceed  
**Contact:** Construction Contracts Section, (717) 783-7994

**OSM 11(2709)102.1** Abandoned Mine Land Reclamation, Walsall North, involves approximately 7,400 c. y. of grading and 1 acre of seeding and clearing and grubbing. One hundred percent (100%) of this project is financed by the Federal Government; Federal funds available for this program total \$20.1 million for Pennsylvania 1998 AML Grant.

**Department:** Environmental Protection  
**Location:** Richland Township, Cambria County, PA  
**Duration:** 210 days after Notice to Proceed  
**Contact:** Construction Contracts Section, (717) 783-7994

**OSM 33(3423)101.1** Abandoned Mine Land Reclamation, Anita, involves approximately 845,575 c. y. of grading, 80 acres of seeding, clearing and grubbing, and planting of 39,440 trees. One hundred percent (100%) of this project is financed by the Federal Government; Federal funds available for this program total \$14.9 million for Pennsylvania 1998 AML Grant.

**Department:** Environmental Protection  
**Location:** McCalmont Township, Jefferson County, PA  
**Duration:** 365 days after Notice to Proceed  
**Contact:** Construction Contracts Section, (717) 783-7994

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Army, 926 South Logan Avenue, Tyrone, Blair County, PA  
**Duration:** July 1, 1999—June 30, 2002  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 603** Provide emergency and routine repair work for electrical system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 125 Goodridge Lane, Washington, Washington County, PA  
**Duration:** July 1, 1999—June 30, 2002  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 604** Provide emergency and routine repair work for electrical system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 410 North Grant Street, Waynesboro, Franklin County, PA  
**Duration:** July 1, 1999—June 30, 2002  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 605** Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 226 North High Street, West Chester, Chester County, PA  
**Duration:** July 1, 1999—June 30, 2002  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 606** Provide emergency and routine repair work for electrical system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 226 North High Street, West Chester, Chester County, PA  
**Duration:** July 1, 1999—June 30, 2002  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 607** Provide emergency and routine repair work for heating system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 226 North High Street, West Chester, Chester County, PA  
**Duration:** July 1, 1999—June 30, 2002  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 608** Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 1308 Susquehanna Avenue, West Pittston, Luzerne County, PA  
**Duration:** July 1, 1999—June 30, 2002  
**Contact:** Emma Schroff, (717) 861-8518

**0301** Furnish and install range hood/fire suppression system.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, Lackawanna County, PA 18411-9505  
**Duration:** January 02, 1999—June 30, 1999  
**Contact:** Stanley Rygelski, Purchasing Agent, (717) 587-7291

**RP85072** Provide all labor, material and equipment to supply and install one 36,000 BTU, ductless Sanyo air conditioning system; one 24,000 BTU, ductless Sanyo air conditioning system. Project to include all necessary piping, wiring and system start-up and testing. Each unit to have a 24 hour on/off program timer, microcomputer control system and 5 year compressor warranty. Units to be installed at 2150 Herr Street, Harrisburg, PA. For on-site inspection contact Debbie Christian at (717) 787-2162.

**Department:** Health  
**Location:** 2150 Herr Street, Division of Data Processing, Harrisburg, PA  
**Duration:** 60 days  
**Contact:** Debbie E. Christian, (717) 787-2162

## Medical Services—29

**Inquiry No. 113-0292** Contract to basic life support and advanced life support ambulance services as required by Southwestern Veterans Center. Specifications of contract available upon request.

**Department:** Military and Veterans Affairs  
**Location:** Southwestern Veterans Center, 7060 Highland Drive, Pittsburgh, PA 15206  
**Duration:** February 01, 1999 through June 30, 2002  
**Contact:** Ken Wilson, Purchasing Agent, (412) 665-6727

## Property Maintenance—33

**181382** Exhaust and duct cleaning services—Contractor to provide labor, equipment, supplies and supervision for the cleaning of exhaust and supply ducts and hoods over fryers and ovens, and the like in main dining hall kitchen areas at Warren State Hospital. Complete terms and conditions may be obtained by contacting the hospital. Award to be made on a 3-year aggregate basis.

**Department:** Public Welfare  
**Location:** Warren State Hospital, 33 Main Drive, North Warren, Warren County, PA 16365-5099  
**Duration:** July 01, 1999—June 30, 2002  
**Contact:** JD Sample, (814) 726-4448

**183137** Window cleaning services—Contractor to provide labor, equipment and supplies necessary for the hand cleaning of outside windows of various buildings at Warren State Hospital. Complete terms and conditions may be obtained by contacting the hospital. Award to be made on a 3-year aggregate basis.

**Department:** Public Welfare  
**Location:** Warren State Hospital, 33 Main Drive, North Warren, Warren County, PA 16365-5099  
**Duration:** May 01, 1999—November 30, 1999  
**Contact:** JD Sample, (814) 726-4448

## Real Estate Services—35

**010346** Requesting real estate appraisal bids for various types of properties on highway improvement projects throughout Engineering District 1-0. These projects include State Routes 4034-A51, 4034-A90, 0019-A04 and 0019-A05 in Erie County; State Route 0018-A01 in Mercer County; State Route 0948-02M in Forest County; State Route 0006-B01 in Crawford County; and State Routes 3008-B00, 0322-01S and 3017-B00 in Venango County. Some of the assignments may require the retention of a machinery and equipment appraisal. All appraisers must be listed on the Department's Prequalified Fee Appraiser roster for the appropriate class of each appraisal assignment. PennDOT, Engineering District 1-0, R/W Unit, 1140 Liberty Street, Franklin, PA 16323.

**Department:** Transportation  
**Location:** PennDOT District Office, 1140 Liberty Street, Franklin, PA 16323  
**Duration:** January 4, 1999—January 3, 2004  
**Contact:** William R. Pixley, R/W Administrator, (814) 437-4203

## Vehicle, Heavy Equipment—38

**0840-Tire Repair** Tire repairs on various types of equipment at the York County Maintenance Building. All requests for bid packages must be received by fax at (717) 854-6773 (Attn: Vicki Mays) or telephone (717) 848-6230, 8 a.m. to 4 p.m., Monday through Friday.

**Department:** Transportation  
**Location:** 1920 Susquehanna Trail North, York, PA 17404  
**Duration:** 4 year period (beginning March 1, 1999)  
**Contact:** Vicki Mays, (717) 848-6230

## Miscellaneous—39

**016** The contractor shall evaluate the charter schools regarding the following (but not limited to) specific factors: staffing, educational achievement, student attendance, student discipline, governance process, community involvement, budget accounting and business practices.

**Department:** Education  
**Location:** Harrisburg, PA  
**Duration:** April 15, 1999—September 30, 2000  
**Contact:** Tim Daniels, (717) 705-2343

**038** Site preparation and installation for woven wire deer fence around one site in the Negro Mountain Division of the Forbes State Forest. The site is located in Black Township, Somerset County and is approximately a total of 6,405 lineal feet. Prebid inspection will be on January 5, 1999.

**Department:** Conservation and Natural Resources  
**Location:** Forbes Forest District No. 4, P. O. Box 519, Laughlintown, PA 15655-0519  
**Duration:** Upon execution of the contract and terminate June 30, 1999  
**Contact:** Don Stiffler or Ron Langford, (724) 238-9533

**5660-0500-000** The contractor shall provide 600' of fabric, posts, caps and the other necessary items needed by this institution to construct security fencing.

**Department:** State Correctional Institution—Houtzdale  
**Location:** State Route 2007, P. O. Box 1000, Houtzdale, PA 16698-1000  
**Duration:** One time purchase  
**Contact:** Diane K. Davis, Purchasing Agent II, (814) 378-1006

**7100-01-98** Provide verification of purchase price of used motor vehicles reported to the Department. Verification is required to discover where applicants have under-reported the actual purchase price and hence paid less sales tax than is due to the Commonwealth. The Commonwealth and the vendor will have the option to renew the contract for 4 additional years.

**Department:** Transportation  
**Location:** Motor Vehicles, 1101 South Front Street, 4th Floor, Harrisburg, PA 17104  
**Duration:** January 15, 1999 through January 14, 2000  
**Contact:** Pete Spangler, (717) 605-1037

**081-98-7000-41** Conduct a Statewide survey of student drug use in Pennsylvania similar to assessments conducted in 1989, 1991, 1993, 1995 and 1997. The 1999 survey will be administered to approximately 60,000 students in grades 6, 7, 9 and 12 during the 1998–99 school year. Participating schools and students must be selected to form a representative Statewide sample. The survey must collect information on: students' use of alcohol, tobacco and other drugs; behaviors and attitudes concerning factors relating to substance use; knowledge about risks of substance use; physical fighting and weapons carrying; the presence of gangs in school; risks associated with vehicles such as driving under the influence; and other information deemed important. Survey must be confidential and anonymous to protect the identity of the respondents, and be capable of being completed in one standard classroom period. Contractor will be responsible for: constructing the Statewide sample and recruiting schools to participate in the survey; furnishing an adequate supply of surveys and instructions to participating schools and arranging for the return of the completed surveys; analyzing the survey results and producing a report of the findings similar in format to the 1997 report; and providing participating schools with a basic report of the survey findings for their students. The PCCD is an equal opportunity employer.

**Department:** Executive Offices/Commission on Crime and Delinquency  
**Location:** Statewide  
**Duration:** March 1, 1999—February 28, 2000  
**Contact:** Henry Sontheimer, (717) 787-5152, Ext. 3032

**AA2000** The Pennsylvania Department of Education, Bureau of Special Education, is reissuing a Request for Proposal (RFP) for the development of an instrument for Statewide alternate assessment of students with severe disabilities for whom participation in the Pennsylvania State Assessment System is inappropriate. The project will also require a pilot study of the instrument which is developed, statistical analysis of the pilot results and training for State identified trainers. A preproposal conference will be held on January 15, 1999 at 1 p.m. in 7th Floor Conference Room, 333 Market Street, Harrisburg. All interested bidders are invited to send no more than three representatives. Registration to attend the preproposal conference should be made by contacting Beth Runkle at (717) 772-3260. All other questions regarding this RFP should be directed to Laura Davis at the following address.

**Department:** Education/Special Education  
**Location:** Bureau of Special Education, 333 Market Street, 7th Floor, Harrisburg, PA 17126-0333  
**Duration:** 2 years  
**Contact:** Laura Davis, (717) 772-8260

**ASA 9803** The system seeks consulting services to review and recommend changes, if needed, to its current enrollment policy. Current enrollment targets need to be reexamined and optimum enrollments given institutional demographics and physical plant are being sought. The vendor will be required to have a final report by June, 1999. A complete copy of the RFP may be obtained by writing Dr. Frank C. Gerry at the following address.

**Department:** State System of Higher Education  
**Location:** 2986 North Second Street, Harrisburg, PA 17110  
**Duration:** Indeterminate 1998–99  
**Contact:** Dr. Frank C. Gerry, (717) 720-4176

**RFP 99-04** Indiana University of Pennsylvania (IUP) is seeking proposals for a vendor to provide long distance telephone services to the University in accordance with Request for Proposal (RFP) 99-04. Requests for RFP packages should be made in writing and directed to P. K. Froelicher, Director of Purchasing, IUP, 650 South 13th Street, Indiana, PA 15705; fax (724) 357-2670, email: pkfro@grove.iup.edu. The RFP is also available on the WEB at HTTP://www.iup.edu/tsc/telecomm/. Proposals are due at 1:30 p.m. on January 27, 1999. The University encourages responses from small, minority and women owned firms.

**Department:** State System of Higher Education  
**Location:** Indiana University of Pennsylvania, Indiana, PA 15705  
**Duration:** 36 months  
**Contact:** P. K. Froelicher, (724) 357-3077

**RFP 99-05** Indiana University of Pennsylvania (IUP) is seeking proposals for a vendor to provide a full compliment of telephone billing services to the University in accordance with Request for Proposal (RFP) 99-05. Requests for RFP packages should be made in writing and directed to P. K. Froelicher, Director of Purchasing, IUP, 650 South 13th Street, Indiana, PA 15705; fax (724) 357-2670, email: pkfro@grove.iup.edu. The RFP is also available on the WEB at HTTP://www.iup.edu/tsc/telecomm/. Proposals are due at 1:30 p.m. on January 27, 1999. The University encourages responses from small, minority and women owned firms.

**Department:** State System of Higher Education  
**Location:** Indiana University of Pennsylvania, Indiana, PA 15705  
**Duration:** 36 months  
**Contact:** P. K. Froelicher, (724) 357-3077

**SP2598001** The PA Board of Probation and Parole is soliciting proposals to satisfy a need for training titled, "Urban Drug Subculture" and related topics (RFP No. PBPP 98-09). This project consists of 12, 2-day training programs. Programs 1, 2, 3 and 4 will be held between July 1, 1999 and June 30, 2000. Programs 5, 6, 7 and 8 will be held between July 1, 2000 and June 30, 2001. Programs 9, 10, 11 and 12 will be held between July 1, 2001 and June 30, 2002. All 12 programs will rotate between the Harrisburg, Philadelphia and Pittsburgh areas to ensure course offerings across the State. Specific training dates and locations will be determined between the vendor and the contractor.

**Department:** Board of Probation and Parole  
**Location:** Harrisburg, Philadelphia and Pittsburgh, PA  
**Duration:** July 01, 1999 to June 30, 2002  
**Contact:** Michelle Carl, Fiscal Management Division, (717) 787-8879

[Pa.B. Doc. No. 98-2097. Filed for public inspection December 18, 1998, 9:00 a.m.]

## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,  
*Secretary*

**Contract Awards**

The following awards have been made by the Department of General Services, Bureau of Purchases:

<b>Requisition or Contract #</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>
2306-01	12/15/98	Frederick Chevrolet Cadillac Oldsmobile Toyota	29,811,098.20
2306-01	12/15/98	Warnock Ford, Inc.	36,260,360.00
2306-01	12/15/98	Warnock Dodge, Inc. d/b/a Warnock Jeep	11,642,940.00
2306-01	12/15/98	Meissner Chevrolet Geo Oldsmobile, Inc.	14,559,480.00
2310-01	12/11/98	Hoffman Ford Sales, Inc.	2,250,490.00
2310-01	12/11/98	Cerni Motors	1,002,911.60
2310-01	12/11/98	E-Town Chevrolet	172,490.00
2310-01	12/11/98	Manheim Chrysler Plymouth	197,642.00
2310-01	12/11/98	Meissner Chevrolet	93,151.00
2310-01	12/11/98	Warnock Chevrolet, Inc.	14,317.00
2310-01	12/11/98	E-Town Dodge	132,070.00
2310-01	12/11/98	K & H Ford, Inc.	15,273.00
2310-01	12/11/98	Apple Chevrolet	20,753.00
2310-01	12/11/98	Phillips Ford Sales	24,604.00
2310-01	12/11/98	Warnock Ford	28,567.00
2310-01	12/11/98	Northeast Auto Outlet	41,131.48
3610-03	12/11/98	Danka Office Imaging	58,355.00
3610-03	12/11/98	Konica Business Technologies, Inc.	10,000.00
3610-03	12/11/98	Lanier Worldwide, Inc.	10,000.00

**Requisition  
or  
Contract #****Awarded  
On****To****In the  
Amount Of**

3610-03	12/11/98	Minolta Corp.	10,000.00
3610-03	12/11/98	Nashua Corp.	10,000.00
3610-03	12/11/98	Ricoh Corp.	10,000.00
3610-03	12/11/98	G. E. Richards, Inc.	87,914.00
3610-03	12/11/98	Engle Business Equipment, Inc.	10,000.00
3610-03	12/11/98	Xerox Corp.	100,000.00
3610-04 RIP No. 2	12/15/98	Ikon Office Solutions	5,000.00
3610-04 RIP No. 2	12/15/98	Washington Printing Supplies	5,000.00
6505-10 RIP No. 1	12/11/98	Ross Products Division/ Abbott Laboratories, Inc.	47,976.00
9120-02 SUP No. 1	12/15/98	Agway Energy Products LLC	1,200.00
1209118-01	12/08/98	Texas Department of Criminal Justice Industry Metal Products Div.	37,300.00
1247388-01	12/08/98	Eureka Stone Quarry, Inc.	118,200.00
1262118-01	12/08/98	Best Locking Systems of Philadelphia, Inc.	9,221.43
1302308-01	12/08/98	West Wind Hardwood	8,160.00
1313118-01	12/08/98	Meese, Inc.	26,200.00
7314090-01	12/08/98	The Alling & Cory Co.	75,829.07
8217360-01	12/08/98	Fisher Scientific Co.	12,657.40
8249400-02	12/08/98	Service Supply Corp.	15,138.00
8249670-01	12/08/98	Artco Equipment Sales, Inc.	72,561.00

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 98-2098. Filed for public inspection December 18, 1998, 9:00 a.m.]